

# Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **June** \_\_\_\_, **2014**, by and between **THE STATE OF INDIANA** acting through the Indiana Department of Administration, ("Seller") and \_\_\_\_\_, ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property (collectively, "Property"):

- 1.1 Property. The property commonly known as **~1672 E. STATE ROAD 44, Rushville, Rush County, Indiana**, described on the attached **Exhibit A** ("Land") together with all buildings, improvements and fixtures constructed or located on the Land ("Buildings") and all easements of record and rights benefiting or appurtenant to the Land (collectively the "Property"), subject to all existing legal rights-of-way, easements, conditions and restrictions of record.
- 1.2 Access. The subject parcel currently has limited public access or right of entry. The buyer will be responsible for gaining legal access to the property. Ingress/Egress permits may be submitted to the Department of Transportation and approved or denied at the agencies sole discretion. No assurance of such a permit is expressed or implied.
- 1.3 Personal Property. No personal property is being sold or conveyed as a part of this Purchase Agreement.

2. Purchase Price, Buyer's Premium, and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property shall be \_\_\_\_ Dollars (\$\_\_\_\_). The Purchase Price shall be payable as follows:

- 2.1 In conjunction with execution of this Agreement (the "Execution Date"), Buyer shall submit \_\_\_\_\_ Dollars (\$\_\_\_\_) to Seller as earnest money ("Earnest Money"). In the event this Agreement is not accepted by Seller, the Earnest Money shall be promptly returned to Buyer. Upon acceptance of this Offer by Seller, such Earnest Money shall secure the Buyer's performance of this Agreement and in the event of a default by Buyer in the performance of its obligations herein specified, Seller shall have the right to terminate this Agreement and the Earnest Money shall be paid to Seller as liquidated damages as Seller's sole remedy at law or in equity; and
- 2.2 The balance of the Purchase Price, subject to adjustments as set forth herein, shall be payable in certified funds or by electronic transfer of funds on the "Closing Date" (as hereinafter defined).
- 2.3 In addition to the Purchase Price, Buyer shall, at Closing as hereinafter defined, pay Seller's representative a 10% Buyer's premium pursuant to the terms of a separate addendum to this Agreement.

3. Contingencies and Inspection Period. The obligation of the Seller is contingent upon approval of the transaction contemplated by this Agreement as required by **IC 4-13-2-14.1, IC 4-13-2-14.2 and IC 4-20.5-7**.

4. Closing. In the event that Seller has accepted this Agreement and the parties proceed to closing, the closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur within thirty (30) days following State approval as set forth above (the "Closing Date"), **such final closing is subject to and conditional upon approval by the Office of the Governor and the Indiana Attorney General**, unless extended by mutual agreement of the parties. The Closing shall take place at a time, place, and on a date agreeable by Seller and Buyer. The Buyer will be responsible for title fees, escrow fees, and costs charged by the company with whom the earnest money is deposited as outlined in Section 5.1.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall have executed and delivered or caused to be delivered to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quitclaim Deed conveying the Property to Buyer, **an exemplar of such Quitclaim Deed is attached hereto as Exhibit B**.

4.1.2 Documents. Copies of all contracts, permits and warranties affecting the Property that will survive the Closing, if any.

4.1.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.1.4 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer title to the Property to Buyer free and clear except Permitted Exceptions to Title.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

4.2.1 Purchase Price. Funds representing the Purchase Price, by electronic transfer of immediately available funds.

4.2.2 Assumption of Contracts, Permits, Warranties and Miscellaneous Documents. An Assumption of Contracts, Permits and Warranties, if any, assuming Seller's obligations under such documents.

4.2.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.2.4 Other Documents. All other documents reasonably determined by Seller or Title Company to be necessary to complete the transaction contemplated by this Agreement.

5. Allocation of Costs. Seller and Buyer agree to the following allocation of costs regarding this Agreement:

5.1 Title Insurance and Closing Fee. Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees or recording charges. Buyer shall be responsible for payment, at or before Closing, of search fees charged by the title company from whom Seller obtained a preliminary title review and commitment. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.

5.2 Taxes and Assessments. The Property being conveyed is owned by the State of Indiana and is exempt from all real property taxes. The Seller shall assume no responsibility or liability for any real property taxes or other assessments from which it is statutorily exempt. Buyer shall be solely responsible for, and indemnify Seller against, any and all real property taxes assessed with respect to the Real Property on or after Closing.

5.3 Utilities. Seller shall either ensure that utility service to the Property is disconnected as of the Closing Date or shall cooperate with Buyer in having such utility services transferred to Seller's account. All contracts relating to operating the Property shall be canceled as of the Closing Date.

5.4 Attorney's Fees. Each of the parties will pay its own attorney's fees.

6. Evidence of Title. In the event that Buyer does not order and receive a commitment for title insurance, Seller shall, at its expense, within ten (10) days after written request from Buyer, furnish to Buyer a copy of the documents by which the State obtained or otherwise holds title or a letter from the State Land Office describing the documents by which the State obtained and otherwise holds title. Seller will cooperate with the Buyer or its title company in clarifying or resolving any perceived deficiencies or clouds in the title, but shall not be required to incur any expense beyond commitment of the time of the State Land Office. If such issues cannot be resolved to Buyer's satisfaction, Buyer may terminate this Agreement, and the Earnest Money, if any, shall be returned.

7. Maintenance of the Real Property Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date, Seller shall maintain the Property and improvements in a reasonably prudent manner. Seller shall execute no contracts, leases or other agreements regarding the Property between the date hereof and the Date of Closing that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

8.1 Existence; Authority. Seller has the requisite power and authority to enter into and perform this Agreement and to execute and deliver Seller's Closing Documents; such documents have been duly authorized by all necessary action.

8.2 Contracts. Seller has made available to Buyer a correct and complete copy of any Contract and its amendments which will survive a closing hereunder, if any.

8.3 Operations. Seller has received no written notice of actual or threatened cancellation or suspension of any utility services for any portion of the Property. Seller has received no written notice of actual or threatened special assessments or reassessments of the Property.

8.4 Litigation. To Seller's knowledge, there is no litigation or proceeding pending or threatened against or relating to the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action or claim.

8.5 Physical Condition. Seller makes no representation or warranty concerning the physical condition of the Property and puts Buyer to the obligation to satisfy itself pursuant to the contingency contained in Section 3 above.

9. Casualty; Condemnation. If all or any part of the Property is materially damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. If eminent domain proceedings are threatened or commenced against all or any part of the Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. Termination of this Agreement and return of all Earnest Money are Seller's sole remedies

10. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Commissioner  
Indiana Department of Administration  
402 W. Washington St., W479  
Indianapolis, IN 46204

With Copy to: Attorney General  
Office of the Indiana Attorney General  
302 W. Washington St.  
Indianapolis, IN 46204

If to Buyer:

With a Copy to:

Notices shall be deemed effective on the date of receipt. Any party may change its address for the service of notice by giving notice of such change ten (10) days prior to the effective date of such change.

11. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Indiana, and any suit must be brought in an Indiana court of competent jurisdiction.

12. Remedies. If Buyer defaults, and if Buyer fails to cure such default within ten (10) days of the date of notice of such default from Seller, then Seller shall have the right to terminate this Agreement by giving written notice of termination to Buyer. In the event of termination Seller will receive the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages or specific performance. Buyer's sole remedy for any default by Seller shall be termination of this Agreement and return of the Earnest Money.

13. Buyer's Examination. Buyer is relying solely upon its own examination of the Property and inspections in determining its physical condition, character, and suitability for Buyer's intended use of the Property and is not relying upon any representation by Seller or any broker, except for those made by Seller directly to Buyer in writing in **Exhibit C, which is attached to this agreement**. Buyer agrees and acknowledges that it is accepting the Property "**AS IS**" subject to all faults of every kind and nature whatsoever, whether latent or patent, and whether now or

hereafter existing, and Buyer acknowledges that it has based its decision to purchase the Property solely upon information obtained independently by Buyer. Buyer shall sign a Hold Harmless Affidavit, **an exemplar of such Hold Harmless Affidavit is attached hereto as Exhibit D**. Buyer shall acquire the Property subject to all laws imposed upon the Property by any governmental or quasi-governmental authority having jurisdiction thereof. Buyer represents and warrants to Seller that Buyer has not relied, and will not rely, upon the representation or statement, or the failure to make any representation or statement, by Seller or Seller's agents, employees or by any person acting or purporting to act on the behalf of Seller with respect to the physical condition of the Property.

14. Compliance with Telephone Privacy. As required by IC 5-22-3-7:

(1) The Buyer and any principals of the Buyer certify that (A) the Buyer, except for de minimis and nonsystematic violations, has not violated the terms of (i) IC 24-4.7 [Telephone Solicitation Of Consumers], (ii) IC 24-5-12 [Telephone Solicitations] , or (iii) IC 24-5-14 [Regulation of Automatic Dialing Machines] in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) the Buyer will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

(2) The Buyer and any principals of the Buyer certify that an affiliate or principal of the Buyer and any agent acting on behalf of the Buyer or on behalf of an affiliate or principal of the Buyer (A) except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

15. Withdrawal of Offer. This Agreement shall be deemed to be withdrawn, unless accepted by Seller, after one-hundred-fifty (150) days of delivery to Seller. In the event of a withdrawal under this section, Buyer shall be entitled the return of the Earnest Money.

16. Additional terms.

---

---

---

17. Non-Collusion and Acceptance. The undersigned attests, subject to the penalties for perjury, that he/she is the Buyer, or that he/she is the properly authorized representative, agent, member or officer of the Buyer, that he/she has not, nor has any other member, employee, representative, agent or officer of the Buyer, directly or indirectly, to the best of the undersigned's knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid any sum of money or other consideration for the execution of this Property Purchase Agreement other than that which appears upon the face of this Agreement.

**In Witness Whereof**, Buyer and the Seller have, through their duly authorized representatives, entered into this Property Purchase Agreement. The parties, having read and understood the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

**BUYER:**

---

Signature

---

Printed Name

---

Title

**BUYER SHALL TAKE TITLE OF THE PROPERTY AS FOLLOWS:**

---

**BUYERS PRIMARY ADDRESS:**

---

**SELLER:**

State of Indiana acting through the Indiana Department of Administration.

By \_\_\_\_\_  
For:

## EXHIBIT "A"

Project: MWP-068-8(AN)

Sheet 1 of 1

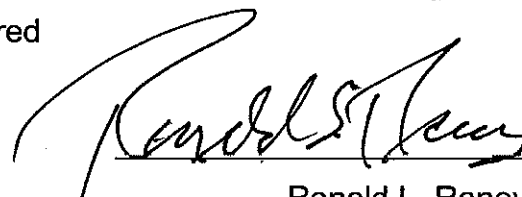
Code: 4758

Parcel: 4 Excess Land

A part of the West Half of the Northeast Quarter of Section 4, Township 13 North, Range 10 East, Rush County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 40 minutes 26 seconds East 2,398.36 feet along the east line of said section to the centerline of State Road 44; thence South 78 degrees 02 minutes 26 seconds West 1,442.23 feet along the centerline of said State Road 44; thence North 11 degrees 57 minutes 34 seconds West 36.50 feet to the northeast corner of said half-quarter section, which point is on the northwestern boundary of State Road 44 and the point of beginning of this description: thence South 79 degrees 43 minutes 07 seconds West 401.21 feet along the boundary of said State Road 44 to point #111 on said plat; thence North 84 degrees 36 minutes 20 seconds West 41.91 feet along said boundary to point #78 on said plat; thence South 78 degrees 02 minutes 26 seconds West 50.00 feet along said boundary to point #77 on said plat; thence South 51 degrees 28 minutes 32 seconds West 27.95 feet along said boundary to point #110 on said plat; thence South 78 degrees 02 minutes 26 seconds West 142.82 feet along said boundary to point #125 on said plat, which point is on the west line of Deed Instrument #200800000817; thence North 0 degrees 40 minutes 26 seconds West 139.76 feet along said west line to the north line of said half-quarter section; thence South 88 degrees 42 minutes 00 seconds East 648.80 feet along said north line to the point of beginning and containing 0.982 acres, more or less.



This description was prepared for the Indiana Department of Transportation by Ronald L. Raney, Indiana Registered Land Surveyor, License Number LS 80870012 on the 3<sup>rd</sup> day of December, 2009

  
Ronald L. Raney

# RIGHT OF WAY EXCESS LAND PARCEL PLAT EXHIBIT "B"

Code: 4759

Parcel 4  
Project: MWP-068-8(AP)  
Road: S.R. 44  
County: Rush  
Section: 4  
Township: 13 N.  
Range: 10 E.

Grantor: State of Indiana  
Instrument #200800000817, Dated 2-14-2008

Drawn By: J.Pilk Sr. 12-3-09  
Ck'd By: R.L. Raney



Hatched Area is the  
approximate taking

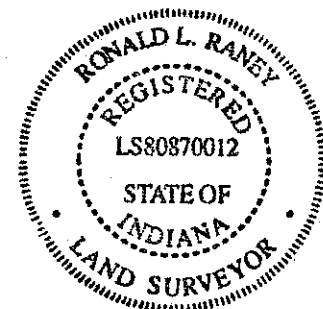
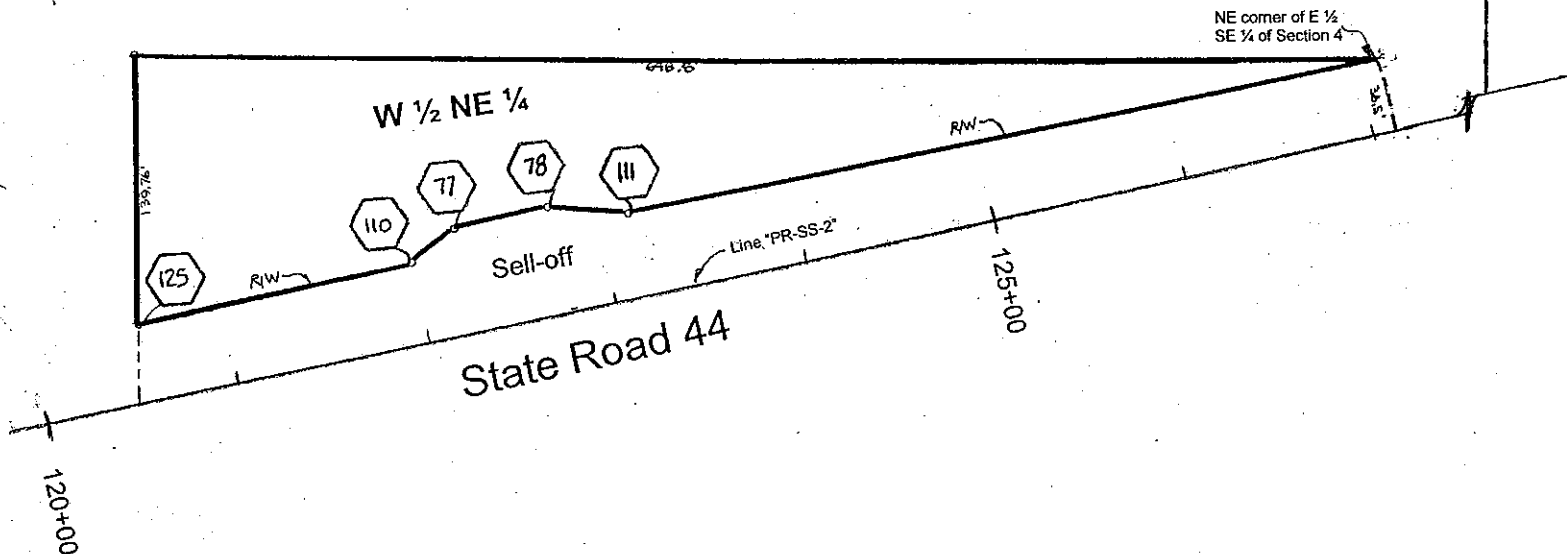
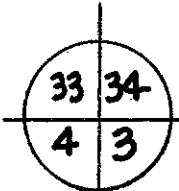
This plat was prepared from information obtained from the Recorder's Office  
and other sources which were not necessarily checked by a field survey.

Scale: 1" = 100'



Parcel Coordinate Chart

Point #	North	East	Station	Offset	CL
77	1589283.4665	399507.5380	122+25.00	55.00' LT	PRSS2
78	1589293.8275	399556.4527	122+75.00	55.00' LT	PRSS2
110	1589266.0573	399485.6709	122+00.00	42.50' LT	PRSS2
111	1589289.8877	399598.1747	123+15.00	42.50' LT	PRSS2
125	1589236.4625	399345.9518	120+57.18	42.50' LT	PRSS2
47	See Location Control Route Survey Plat				

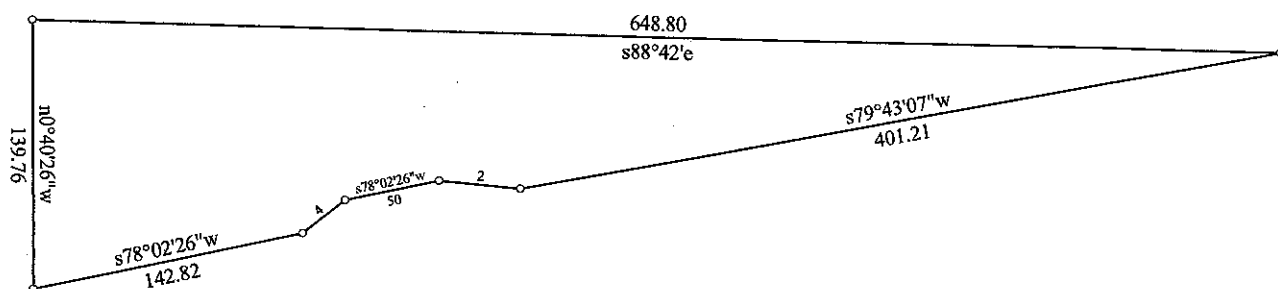


## SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as Deed Record 164, page 563, in the Office of the Recorder of Rush County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12")

*Ronald L. Raney* 5/9/11  
Ronald L. Raney, LS80870012, Dated





Title:		Date:
Scale: 1 inch = 100 feet	File: Untitled	
Tract I: 0.982 Acres: 42766 Sq Feet: 3973.1 Sq Meters: No significant closure error. : Perimeter = 1452 feet		
001=s79.4307w 401.21	004=s51.2832w 27.95	007=s88.42e 648.80
002=n84.3620w 41.91	005=s78.0226w 142.82	
003=s78.0226w 50	006=n0.4026w 139.76	

## EXHIBIT B

### QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, acting through the Governor of the State of Indiana and the Commissioner of the Indiana Department of Administration, or their respective designees, and by the authority of Indiana Code 4-20.5-7-11, RELEASES and QUITCLAIMS to:

for good, valuable, and sufficient consideration, receipt of which is hereby acknowledged, the real property located in \_\_\_\_\_ County, Indiana and more fully described on Exhibit A, attached hereto and incorporated fully herein.

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the State of Indiana this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
**David L. Pippen, Designee for  
Mitchell E. Daniels, Jr. Governor**

State of Indiana )

County of Marion )

ss:

Before me, a Notary in and for said County and State, personally appeared David L. Pippen, designee of the Governor of Indiana pursuant to IC 4-20.5-7-17 (b), and acknowledged execution of the foregoing Quitclaim Deed this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

Notary signature: \_\_\_\_\_

Notary name printed: \_\_\_\_\_

My commission expires: \_\_\_\_\_ I reside in \_\_\_\_\_ County

State of Indiana     )  
                                      )                  ss:  
County of Marion       )

My commission expires: \_\_\_\_\_ I reside in \_\_\_\_\_ County

**Filed in Indiana State Land Office:**

This instrument prepared by Tim A. Grogg Esq. (Attorney No. 7316-03), Legal Counsel, Indiana Department of Administration, 402 West Washington Street, W 479, Indianapolis, IN 46204. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. \_\_\_\_\_

# EXHIBIT C

## CATEGORICAL EXCLUSION LEVEL 1 FORM

**Date:** December 23, 2013

☒ **Initial Version**


☐ **Additional Information to CE Level 1 Dated:** \_\_\_\_\_

**Purpose of this document:**

☐ CE Level 1 documentation for exempted projects

☒ State-funded categorical exemption documentation

Approval CE Level 1 or State-Funded CE:



Environmental Scoping Manager or  
Environmental Policy Manager

23 Dec 13

Date

PROJECT INFORMATION				
<b>County, Route</b>	Rush County, SR 44	<b>Des Number</b>	LA 4759 - Parcel 4	
<b>Purpose and Need:</b>	INDOT and IDOA recognize that state-owned excess right-of-way exists at various locations throughout the state. This land provides no function to the state highway system in terms of serviceability or maintenance, and prohibits development of the property for productive use for residential, commercial, agricultural, or other private or public use. Additionally, state-ownership of land may reduce the availability of real estate that is subject to property taxation; revenue which could benefit the community as a whole. Selling such excess parcels of land would benefit the above causes, as well as providing the potential for additional revenue to the state from the proceeds of the sale.			
<b>Project Description:</b>	<p>This State Categorical Exemption is being prepared because the parcel was purchased at least in part with federal funding, thus selling the property would constitute federal involvement and require NEPA documentation. This action has been approved by the INDOT Environmental Services Division as a State Categorical Exemption.</p> <p>The subject parcel is located along SR 44, east of the city of Rushville, approximately 1500 feet west of County Road North 200 East. The parcel is approximately 0.982 acre in size. See Appendix E for a full parcel description.</p>			
<b>Other Alternatives Considered:</b>	N/A			
<b>Project Termini:</b>	N/A			
<b>Funding Source(s):</b>	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Other		<b>Estimated Cost</b>	N/A
<b>Project Sponsor:</b>	INDOT/IDOA		<b>Project Length</b>	N/A

Name and organization of CE Level 1 Preparer:

Ron Bales, INDOT-Environmental Services Division

INDOT ES/District Env.  
Reviewer Signature:

Date:

SCOPE OF THE PROPOSED ACTION			
<b>Public Involvement*</b>		No: <b>X</b>	Yes:
Comments:	No public hearing is required for a project of this type under INDOT's FHWA-approved public involvement guidelines. This does not preclude one or more public hearings or public information meetings in the future.		
<b>Right-of-way (permanent and temporary, in acres)</b>		No: <b>X</b>	Yes:
Comments:	The entire parcel lies within existing right-of-way. This action does not involve the acquisition of any new permanent or temporary right-of-way.		
<b>Disruption to public facilities/services (such as schools, emergency service)</b>		No: <b>X</b>	Yes:
Comments:	This action will not produce a disruption to public facilities/services.		
<b>Involvement with existing bridge(s) (Include structure number(s))</b>		No: <b>X</b>	Yes:
Comments:	This action has no involvement with an existing bridge(s) or structure(s).		

\* Limited public involvement, CE-1 level projects will typically have no public hearing opportunity offered.

INVOLVEMENT WITH RESOURCES			
<b>Surface Waters (streams, rivers, lakes, etc.)</b>		No:	Yes: <b>X</b>
Comments:	One intermittent stream (unnamed tributary to Flatrock River) flows through the subject parcel in a southwesterly direction. Disposal of the property would not involve construction, excavation, or demolition activities of any kind, thus there would be no impacts to streams, rivers, or watercourses, jurisdictional or otherwise, located within the boundaries of the subject parcel. However, disclosure of the intermittent stream to the buyer is warranted. (See Appendix C-7)		
<b>Wetlands (acres)</b>		No: <b>X</b>	Yes:
Comments:	Two wetlands were identified near the subject parcel as identified on the National Wetlands Inventory map. These two wetlands are located approximately 3000 feet to the southwest of the subject parcel. Disposal of the property would not involve construction, excavation, or demolition activities of any kind, thus there would be no impacts to wetlands within the boundaries of the subject parcel. (See Appendix D-2)		
<b>Disturbance of Terrestrial Habitat (acres)</b>		No: <b>X</b>	Yes:
Comments:	Land use in and near the project is predominately agricultural with scattered residential yards containing mowed grass and scattered trees and shrubs. This habitat will not be affected by the sale of the parcel. Disposal of the property would not involve construction, excavation, or demolition activities of any kind, thus there would be no impacts to these terrestrial habitats.		

INVOLVEMENT WITH RESOURCES			
<b>Karst Features</b>		No: <b>X</b>	Yes:
Comments:	This excess parcel is located outside of the designated karst area of the state as identified in the October 13, 1993 Memorandum of Understanding (MOU) between the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), the Indiana Department of Environmental Management (IDEM), and the U.S. Fish and Wildlife Service (USFWS). No karst features were observed or are known to exist within or adjacent to the proposed project area. The sale of the subject parcel is not anticipated to affect any karst feature. (See Appendix C)		
<b>Threatened and Endangered Species</b>		No: <b>X</b>	Yes:
Comments:	The project is within the range of the federally endangered Indiana bat ( <i>Myotis sodalis</i> ). The species has not been reported near the project area. The Indiana Department of Natural Resources Heritage database was reviewed on December 11, 2013 and no listed federal or state endangered, threatened, or rare species were located within a half mile of the subject parcel.		
<b>Drinking Water Resources</b>		No: <b>X</b>	Yes:
Comments:	<p>The project is not located within the St. Joseph Aquifer System, the only legally designated sole source aquifer in Indiana.</p> <p>The IDEM's Wellhead Proximity Determinator website (<a href="http://idemmaps.idem.in.gov/whpa/">http://idemmaps.idem.in.gov/whpa/</a>) was accessed on December 20, 2013 by INDOT ES. The required project data was provided and it was determined that this project is not located within a Wellhead Protection Area. (See Attachment D-3)</p> <p>The IDNR Water Well Record Database (<a href="http://www.in.gov/dnr/water/3595.htm">http://www.in.gov/dnr/water/3595.htm</a>) was accessed on December 20, 2013 by INDOT ES. The required project location was provided and it was determined that this project area does not contain any water wells. (See Appendix D-4)</p>		
<b>Flood Plains (note transverse or longitudinal impact)</b>		No: <b>X</b>	Yes:
Comments:	The subject parcel does not encroach upon the HUD Special Flood Hazard Area. The parcel is not located within a regulatory floodplain as determined from available FEMA floodplain maps. (See Appendix D-1)		
<b>Farmland (acres)</b>		No: <b>X</b>	Yes:
Comments:	None of the land within the project limits meets the definition of farmland under the Farmland Protection Policy Act (FPPA). The sale of the subject parcel is not anticipated to affect any agricultural resources within proximity to the parcel. The requirements of the FPPA do not apply to this project.		
<b>Cultural Resources</b>		No: <b>X</b>	Yes:
Comments:	<p>Coordination was conducted with the INDOT Cultural Resources Office (CRO) to determine if historical or archaeological resources are present within the excess parcel. INDOT-CRO responded on September 17, 2013. (See Appendix B)</p> <p>With regards to archaeology, the majority of this parcel was examined by Stillwell (2006) and Laswell (2009) for a small structure replacement (Des. No. 0100452). Neither survey found evidence of archaeological resources in or near the parcel. Portions of the parcel that were not surveyed are within the sampling interval employed by the archaeologists and therefore should be considered previously covered. No further work is recommended prior to the sale of this parcel.</p>		

**INVOLVEMENT WITH RESOURCES**

	With regards to above-ground, this parcel is within the Area of Potential Effect (APE) for a small structure replacement (Des. No. 0100452). No historic properties were found within the APE. The SHPO concurred with the May 15, 2009 “no historic properties affected” finding for the project in a letter dated June 12, 2009. No further work is recommended prior to the sale of this parcel.		
<b>Section 4(f) and Section 6(f) Resources</b>	No: <b>X</b>	Yes:	Possible:
Comments:	Since this parcel was not used for a wildlife or waterfowl refuge, a public recreational facility or had anything of historic, architectural or archaeological significance there will be no Section 4(f) or Section 6(f) impacts associated with the disposition of the property. Therefore, this action will have no impacts to properties protected under Section 4(f) and 6(f) regulations.		
<b>Air Quality Impacts</b>	No: <b>X</b>	Yes:	Possible:
Comments:	This project is located in Rush County, which is currently in attainment for all criteria pollutants. Therefore, the conformity procedures of 40 CFR Part 93 do not apply.		
<b>Community/Economic Impacts</b>	No: <b>X</b>	Yes:	Possible:
Comments:	The project will not result in the relocation of residences or businesses. The project will not affect community cohesion because it will not change access to properties or within the community. The project will not have a disproportionate adverse impact on low-income populations or minority populations that are of concern for environmental justice consideration.		
<b>Hazardous Materials</b>	No: <b>X</b>	Yes:	Possible:
Comments:	A red flag investigation was completed on December 11, 2013 by INDOT ES. No potentially hazardous sites were identified in the project vicinity or in the project area. Disposal of the property would not involve construction, excavation, or demolition activities of any kind, thus there would be no impacts to hazardous material sites. (See Appendix C)		
<b>Permits</b>	No: <b>X</b>	Yes:	Possible:
Comments:	The process of selling these parcels does not lead directly to any action that will disturb aquatic or terrestrial resources and no environmental permits are needed to advance the sale of this property.		

**ENVIRONMENTAL COMMITMENTS:**

1. Statement of Disclosure: According to the Red Flag Investigation, one (1) railroad (Amtrak) is located approximately 695 feet north of parcel 4. The buyer should be made aware of the presence of this railroad.
2. Statement of Disclosure: According to the Red Flag Investigation, one (1) intermittent stream (unnamed tributary to Flatrock River) flows through parcel 4. The buyer should be made aware of the presence of this stream.

<b>THE CATEGORICAL EXCLUSION CANNOT BE PROCESSED AS A LEVEL ONE IF YES IS SELECTED FOR ANY OF THE FOLLOWING ITEMS*:</b>		
<b>Formal noise analysis required?</b>	No: <b>X</b>	Yes:
<b>Environmental Justice analysis required?</b>	No: <b>X</b>	Yes:
<b>Right-of-Way acquisition greater than 0.5 acre?</b>	No: <b>X</b>	Yes:
<b>Relocation of residences/businesses/etc.?</b>	No: <b>X</b>	Yes:
<b>Added through-traffic lanes?</b>	No: <b>X</b>	Yes:
<b>Facility on new location or realignment?</b>	No: <b>X</b>	Yes:
<b>Permanent alteration of local traffic pattern?</b>	No: <b>X</b>	Yes:
<b>Section 4(f) and Section 6(f) resource impacts?</b>	No: <b>X</b>	Yes:
<b>Sole Source Aquifer Groundwater Assessment required?</b>	No: <b>X</b>	Yes:
<b>Is the project “Likely to Adversely Affect” Threatened and Endangered Species?</b>	No: <b>X</b>	Yes:
<b>Stream impacts greater than 300 linear feet, or work beyond 75 feet from pavement?</b>	No: <b>X</b>	Yes:
<b>Wetland impacts greater than 0.1 acre?</b>	No: <b>X</b>	Yes:
<b>Does the project have historic bridge involvement, or a Section 106 finding of No Adverse Effect / Adverse Effect?</b>	No: <b>X</b>	Yes:

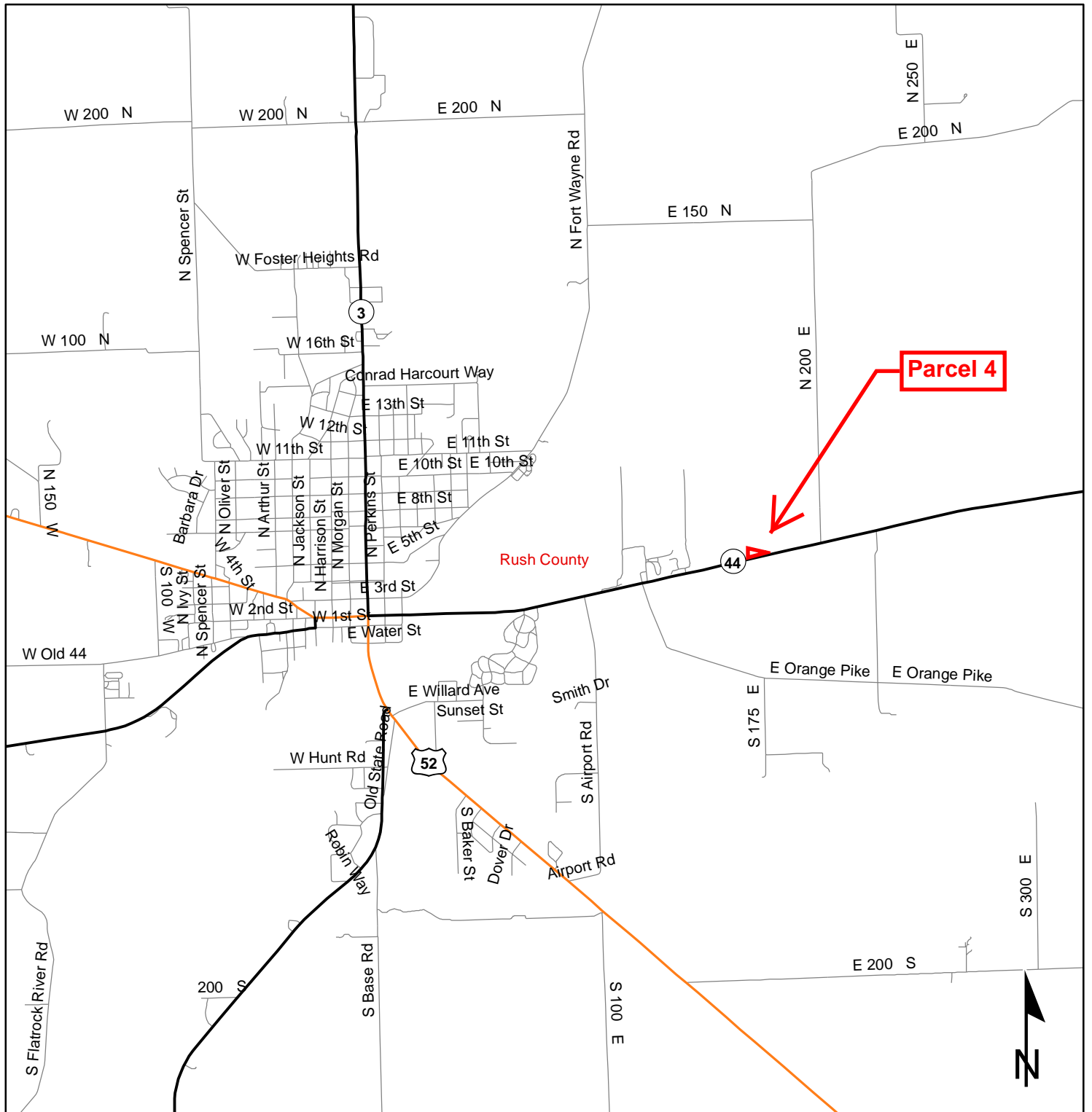
\* Please note, this table is not applicable for state funded CE's.



## **Appendix A: Graphics**

A1	Location Map
A2	Topographic Map
A3	Aerial Map

Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

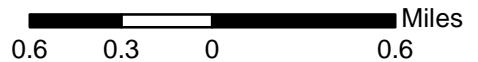
**Sources: Non Orthophotography**







**Data** - Obtained from the State of Indiana Geographical Information Office Library

**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))

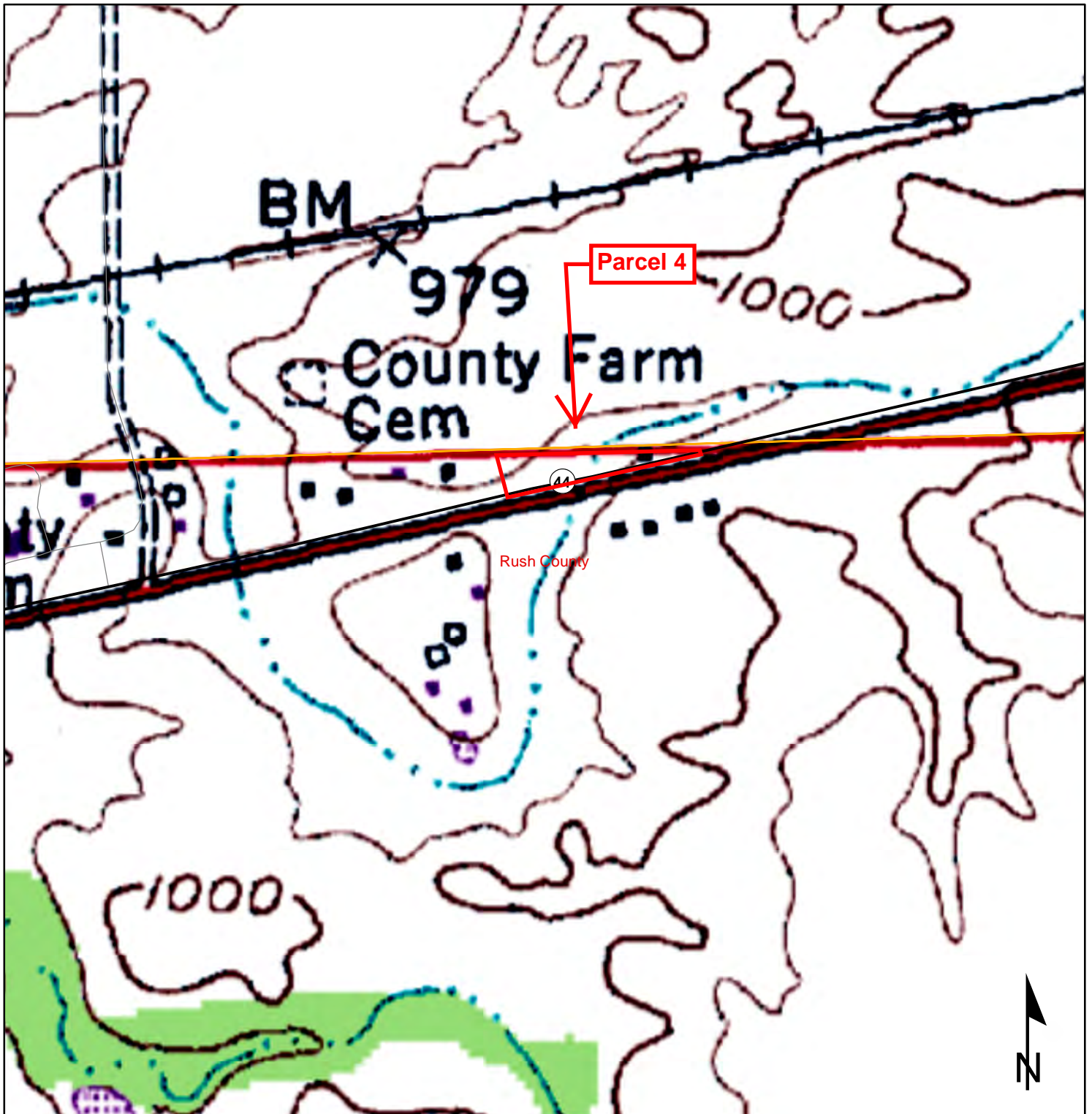
**Map Projection:** UTM Zone 16 N    **Map Datum:** NAD83

Scale 1:40,000



-  Section Town and Range      Interstate  
 County Boundary      State Route  
 Local Road      US Route

Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.







**Sources: Non Orthophotography**

**Data** - Obtained from the State of Indiana Geographical Information Office Library

**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))

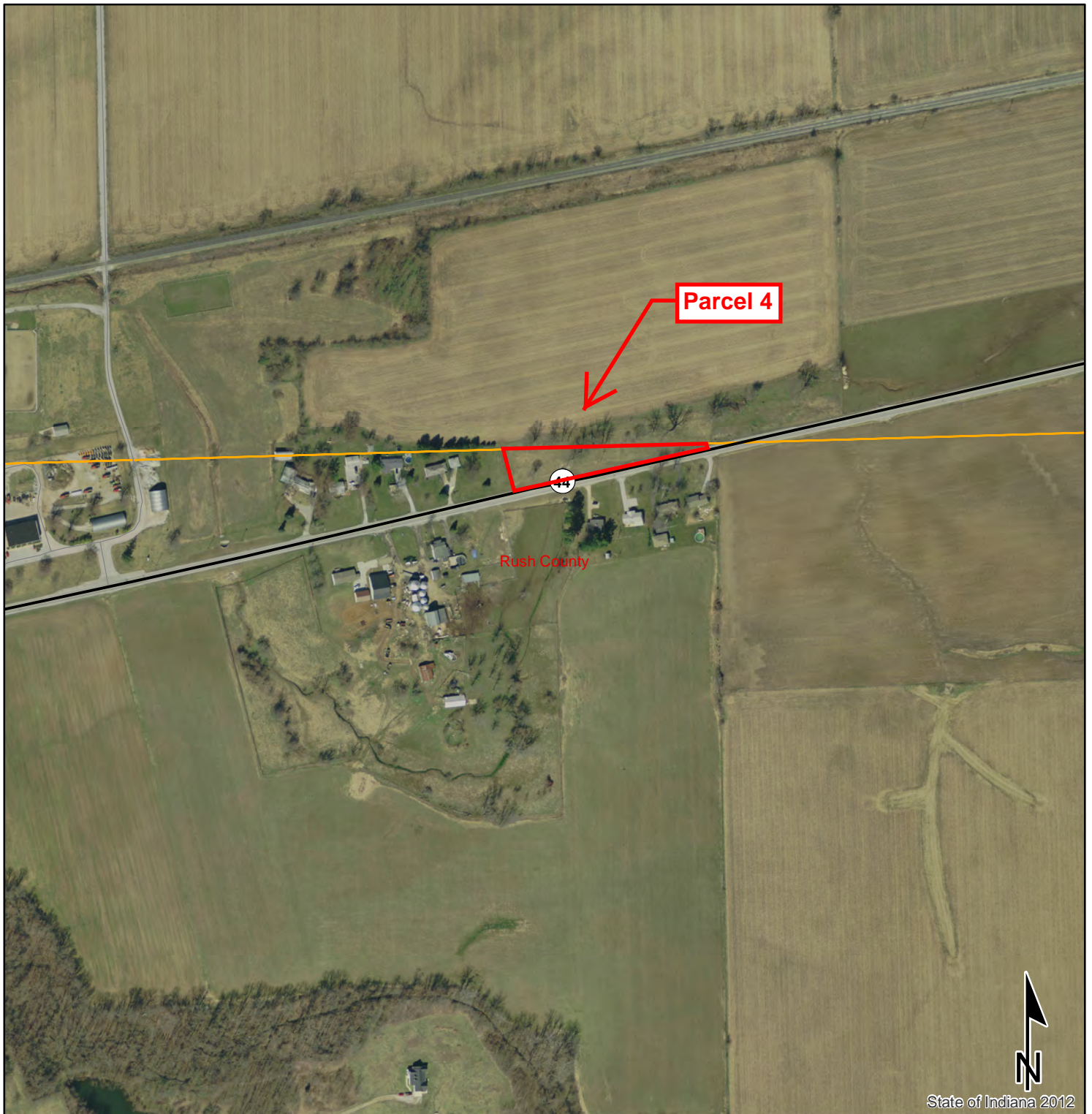
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

Scale 1:5,000  
0.075 0.0375 0 0.075 Miles

	Section Town and Range		Interstate
	County Boundary		State Route
	Local Road		US Route



# Excess Parcel LA 4759, Parcel 4 Rush County, Indiana



This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.







**Sources: Non Orthophotography**

**Data** - Obtained from the State of Indiana Geographical Information Office Library

**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))

**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

Scale 1:5,000  
0.075 0.0375 0 0.075 Miles

	Section Town and Range		Interstate
	County Boundary		State Route
	Local Road		US Route

## **Appendix B: Cultural Resources**

B1-B3	INDOT, CRO Responses September 17, 2013
B4-B10	Archaeological Clearance

## Bales, Ronald

---

**From:** Kennedy, Mary

**Sent:** Tuesday, September 17, 2013 12:27 PM

**To:** Giffin, Toni; Miller, Shaun (INDOT); Bales, Ronald; Andrews, Chris; Mathas, Marlene

**Subject:** RE: Excess Parcels

All,

Here is updated Cultural Resources information so far by parcel number. I apologize for the delay. Being unexpectedly out the week of Sept. 2 really put me behind and it's taken awhile to catch back up. Sorry for such a long email, but I decided the best way for me to figure out where I stand on all of them was to make a list.

*LA Code 0840, Parcels 36D, 37, 37A, 38, 38A, 40, 41, 41A, 43, 44, and 49*

Shaun Miller indicated in email on 8-29-13 that these parcels should be assigned to a consultant.

*LA Code 2745, Parcel 12*

This parcel has already been cleared with regard to Cultural Resources. See the following support documents:

[SHPO Letter-US 231 excess parcel-Tippecanoe Co.-1-8-13.pdf](#)

[DHPA Submittal - LA 2745-12 - US 231 - 6Dec12.pdf](#)

[LA 2745-12 ASR with attachments.pdf](#)

*LA Code 2848, Parcel 21*

Greenfield District also sent us a request regarding this parcel. INDOT-CRO does not think that the sale of this parcel will affect any resources eligible for or listed in the National Register. The email summarizing this information is here:

[Cultural Resources](#).

*LA Code 3459, Parcel 12*

Jeff Laswell will be completing the archaeology work.

With regard to above-ground resources, no buildings are located on this parcel. Nonetheless, the State Register of Historic Sites and Structures and National Register of Historic Places lists for Delaware County were checked by an INDOT- Cultural Resources Office (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61. No properties on these lists are located near the parcel. Additionally, the *Delaware County Interim Report* of the Indiana Historic Sites and Structures Inventory was referenced (1985; Hamilton Township). No properties are recorded on/adjacent this parcel. The nearest recorded property is Site No. 035-180-20016, a Greek Revival/American Foursquare House on the east side of SR 3 north of E. Delta Dr. It is rated "contributing" and is located approximately 0.1 mile to the north of the subject parcel. Generally, properties rated "contributing" do not possess the level of historical or architectural significance necessary to be considered National Register eligible. INDOT-CRO does not think that the sale of this parcel will affect any above-ground resources eligible for or listed in the National Register. This information will be relayed to the SHPO when the archaeology report is completed.

*LA Code 3723, Parcels 38*

This parcel has already been cleared with regard to Cultural Resources. See the following support documents:

[ExcessParcel#38 LACode3723 DHPA15200 SHPOLetter 2013-08-29.pdf](#)

[report to DHPA 2013.pdf](#)

[SR135 LA3723Parcel38 Phasela 2013-7-22.pdf](#)

*LA Code 3723, Parcels 76A*

With regards to archaeology, this parcel was surveyed by the Phase Ia reconnaissance conducted by ASC for SR 135 Improvements (Hillen and Jackson 1999; Des. No. 9003199). No sites were recorded within the parcel and SHPO concurred with the results of the reconnaissance in a letter dated April 26, 2000. Therefore, no additional work is recommended for this parcel prior to its sale. Report cover pages and SHPO concurrence letters are here: [3723-76A\\_archaeo.pdf](#).

With regards to above-ground, this parcel is within the Area of Potential Effect (APE) for SR 135 Improvements (Des. No. 9003199). No historic properties were found within the APE as per a SHPO letter dated March 31, 1998. Due to the passage of time since the SHPO letter, the State Register of Historic Sites and Structures and National Register of Historic Places lists for Washington County were checked by an INDOT- Cultural Resources Office (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61. No properties on these lists are located near the parcel. Additionally, the *Washington County Interim Report* of the Indiana Historic Sites and Structures Inventory was referenced (2008; Salem Scattered Sites Southwest Section). No properties are recorded on this parcel. The nearest recorded property located several hundred feet away is Site No. 175-567-28213, White Cemetery (Cemetery Registry No. CR-88-261). It is rated "contributing." Generally, properties rated "contributing" do not possess the level of historical or architectural significance necessary to be considered National Register eligible. Additionally, cemeteries are usually not National Register eligible unless they contain the grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life or they derive their primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events. This is not the case with the White Cemetery since it consists only of one headstone commemorating the family. INDOT-CRO does not think that the sale of this parcel will affect any above-ground resources eligible for or listed in the National Register. No further work is recommended prior to the sale of this parcel. The SHPO letter is here: [parcel 3723-76A above ground SHPO letter.pdf](#).

#### *LA Code 3988, Parcels 32 & 33*

These parcels have already been cleared with regard to Cultural Resources. See the following support documentation: [LA Code 3988, Parcels 32 & 33 Cultural Resources Clearance.pdf](#)

#### *LA Code 4543, Parcel 40*

Matt Coon will be completing the archaeology work.

With regards to above-ground, this parcel is within the Area of Potential Effect (APE) for a previous roadway project (Des. Nos. 0012760 & 0012770). No historic properties were found within the APE in the vicinity of this parcel. All of the historic properties were located to the south of this area by several blocks. The SHPO concurred with the September 12, 2007 "adverse effect" finding for the project in a letter dated October 9, 2007. No further work is recommended prior to the sale of this parcel. The finding signature page, APE maps, and SHPO concurrence letter are here: [LA Code 4543, Parcel 40 above ground info.pdf](#). This information will be relayed to the SHPO when the archaeology report is completed.

#### *LA Code 4759, Parcel 4*

With regards to archaeology, the majority of this parcel was examined by Stillwell (2006) and Laswell (2009) for a small structure replacement (Des. No. 0100452). Neither survey found evidence of archaeological resources in or near the parcel. Portions of the parcel that were not surveyed are within the sampling interval employed by the archaeologists and therefore should be considered previously covered. No further work is recommended prior to the sale of this parcel. Report cover pages and SHPO concurrence letters are here: [4759-4 archaeo.pdf](#).

With regards to above-ground, this parcel is within the Area of Potential Effect (APE) for a small structure replacement (Des. No. 0100452). No historic properties were found within the APE. The SHPO concurred with the May 15, 2009 "no historic properties affected" finding for the project in a letter dated June 12, 2009. No further work is recommended prior to the sale of this parcel. The finding signature page, APE map, and SHPO concurrence letter are here: [Parcel 4759-4 above-ground.pdf](#).

*LA Code 5102, Parcel 41*

Shaun Miller will be completing the archaeology work.

With regard to above-ground resources, this parcel is located within the Area of Potential Effect (APE) for the Hoosier Heartland project (Des. No. 9802920). As can be seen from the APE map excerpted from the MOA, the identification efforts and resultant reports for the Hoosier Heartland Section 106 process did not identify any National Register eligible properties on or directly adjacent to this parcel. No further work is recommended prior to the sale of this parcel. The finding signature page, APE map, and SHPO letters are here: [5102-41 above ground info.pdf](#). This information will be relayed to the SHPO when the archaeology report is completed.

*LA Code 5107, Parcel 65*

Shaun Miller indicated in email on 8-30-13 that this parcel should be assigned to a consultant.

*LA Code 5108, Parcel 98*

Shaun Miller indicated in email on 8-30-13 that this parcel should be assigned to a consultant.

*LA Code 5111, Parcel 38*

Shaun Miller indicated in email on 8-30-13 that this parcel should be assigned to a consultant.

Please don't hesitate to let me know if you have any questions or need additional information for the above-ground portions.

*Mary E. Kennedy*

*Indiana Department of Transportation*

*(317) 232-5215*

[mkennedy@indot.in.gov](mailto:mkennedy@indot.in.gov)





Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

Mitchell E. Daniels, Jr., Governor  
Kyle J. Hupfer, Director



March 27, 2006

Curtis Tomak  
Indiana Department of Transportation  
100 North Senate Avenue, Room N758  
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration

Re: Archaeological field reconnaissance report (Stillwell, 2/28/06) concerning the replacement of two small structures along US 44 (STP-068-80); Designation #0100451, 0100452)

Dear Mr. Tomak:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated March 1, 2006 and received on March 2, 2006 for the above indicated project in Rushville Township, Rush County, Indiana.

Thank you for providing an archaeological field reconnaissance for the above indicated project. We concur with the conclusions and recommendations of the archaeological survey. As such, no further archaeological investigation appears to be warranted. However, a complete analysis of the submitted project is not possible, as the information provided is incomplete. Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) Provide an overall description of the project and its location.
  - Detail any construction, demolition, and earthmoving activities.
- 2) Define the area of potential effects<sup>1</sup> and provide a map or a good quality photocopy of a map containing the following:
  - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
  - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 3) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).
- 4) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 5) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*.
- 6) List all sources checked for your historical research of the *area of potential effects*.

<sup>1</sup> Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R. § 800.16[d]).

**An Archaeological Field Reconnaissance of Two Proposed Small Structure  
Replacements Along S.R. 44 (Project #STP-068-8( ), Des. 0100451 and 0100452)  
near Rushville, Rush County, Indiana**

by  
Larry N. Stillwell  
Principal Investigator

Submitted by:

**Archaeological Consultants of Ossian**  
P.O. Box 2374  
Muncie, IN 47307

Submitted to:

IN. Dept. of Transportation  
Indianapolis, IN

February 28, 2006



**Indiana Department of Natural Resources**

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • [dhpa@dnr.IN.gov](mailto:dhpa@dnr.IN.gov)

Mitchell E. Daniels, Jr., Governor  
Robert E. Carter, Jr., Director



April 27, 2009

Michelle B. Allen  
Manager  
Office of Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204-2216

Federal Agency: Federal Highway Administration

Re: Change in the scope of work, archaeological records check and phase Ia field reconnaissance report (Laswell, 3/26/09) concerning the replacement of two small structures along US 44 (Designation # 0100451, 0100452; STP-068-8(010); DHPA # 5904)

Dear Ms. Allen:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated March 20, 2009 and April 3, 2009 and received on March 25, 2009 and April 7, 2009, for the above indicated project in Rushville Township, Rushville County, Indiana.

Thank you for submitting information about the revised project. Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In regard to archaeological resources, we concur that site 12Ru750 is not eligible for inclusion in the National Register of Historic Places. Therefore, no additional archaeological investigations are needed in the area surveyed by Laswell (3/26/09) for this project area.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

At this time, it would be appropriate for the Indiana Department of Transportation ("INDOT"), on behalf of the FHWA, to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

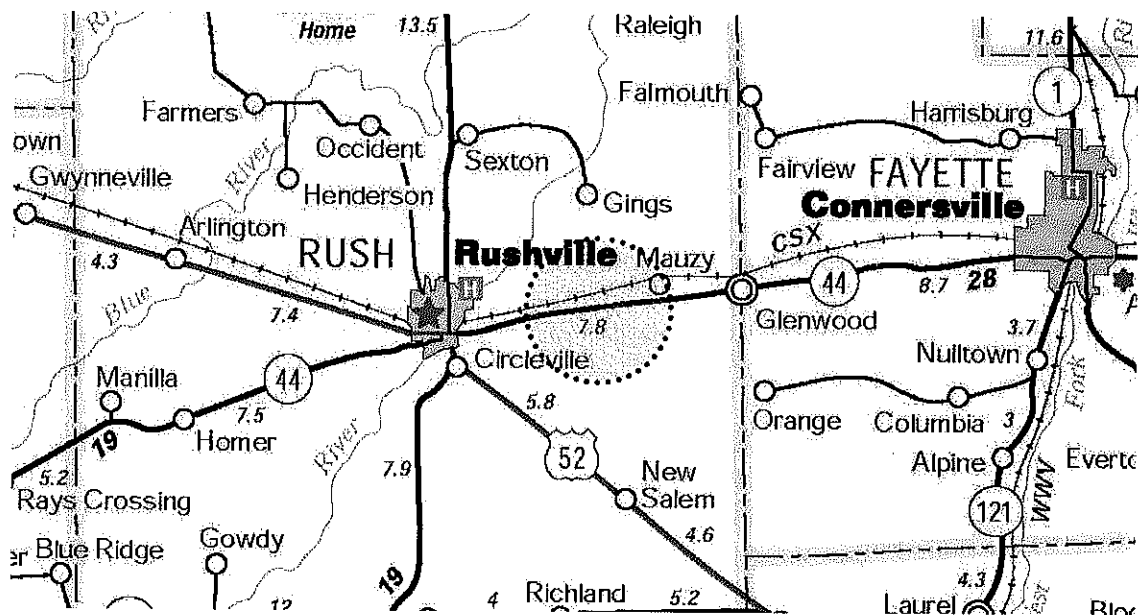
- 1) If the INDOT believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).

# **An Archaeological Records Check and Phase Ia Field Reconnaissance Report:**

**Additional Information for the SR 44 Small Structure Replacement  
Acquisition of Parcel 4759-4 (Des. No.0100452) Rush County, Indiana**

Jeffrey L. Laswell  
Principal Investigator

*Jeffrey L. Laswell*  
Cultural Resources Section  
Office of Environmental Services  
Indiana Department of Transportation



Prepared for:  
Indiana Department of Transportation, Greenfield District  
William Rinard, Director  
32 South Broadway  
Greenfield, Indiana 46140

March 26, 2009

**Cultural Resources Section**  
Office of Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 233-2093

**FEDERAL HIGHWAY ADMINISTRATION's  
REVISED SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties) AND  
SECTION 106 FINDINGS AND DETERMINATIONS  
AREA OF POTENTIAL EFFECT  
ELIGIBILITY DETERMINATIONS  
EFFECT FINDING  
SMALL STRUCTURE REPLACEMENT ON SR 44  
DES. NO.: 0100452  
FEDERAL PROJECT NO.: STP-068-8(011)**

**AREA OF POTENTIAL EFFECT**

**(Pursuant to 36 CFR Section 800.4(a)(1))**

The proposed project involves the replacement of a small structure (SS #44-70-56.90) carrying SR 44 over an unnamed tributary to Flat Rock River, located approximately 1.65 miles east of SR 3 within Rushville Township of Rush County, Indiana.

The Area of Potential Effects includes the proposed right-of-way (R/W) and the area immediately surrounding it (see Appendix C). The existing R/W was determined as being approximately 30' from the centerline of the road. The proposed R/W directly north and south of the structure is generally 55' from centerline tapering down to 30' in each direction. The completion of the proposed project would require the acquisition of a total of approximately 0.547 acre of permanent R/W, which includes 0.317 acres of excess R/W to be purchased from one property, which is to be relocated.

**ELIGIBILITY DETERMINATIONS**

**(Pursuant to 36 CFR 800.4(c)(2))**

The APE does not contain any sites either listed in or considered eligible for listing in the National Register of Historic Places.

**EFFECT FINDING**


**(Pursuant to 36 CFR 800.4(d)(1))**

INDOT, acting on FHWA's behalf, has determined a "No Historic Properties Affected" finding continues to be appropriate for this undertaking because no properties listed in or eligible for listing in the National Register of Historic Places are present within the expanded area of potential effects.

**SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties)**

This undertaking will not convert property from any Section 4(f) historic property to a transportation use; the INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Historic Properties Affected;" therefore, no Section 4(f) evaluation is required. INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with INDOT's Section 106 determination of "No Historic Properties Affected."

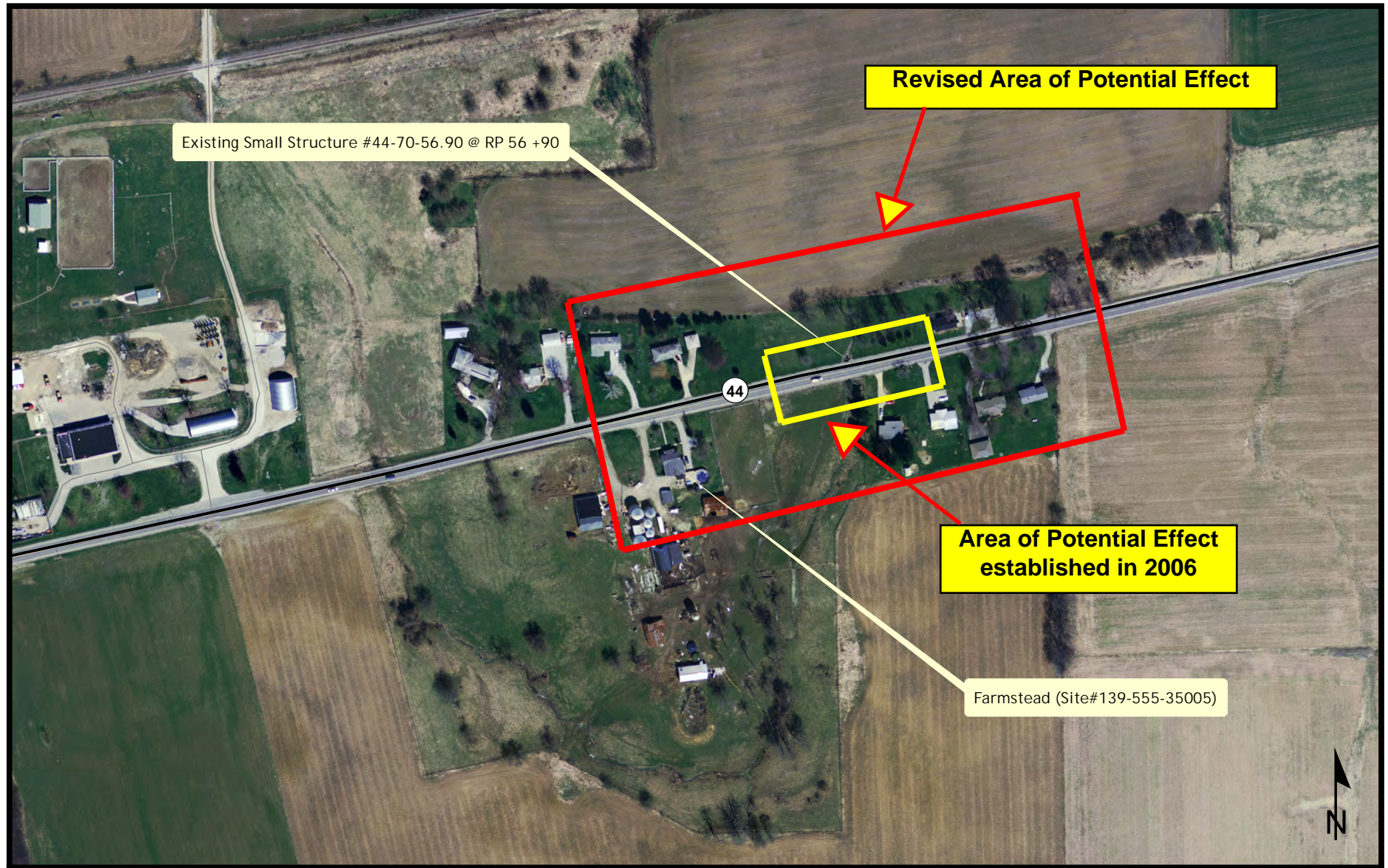
Consulting parties will be provided a copy of the findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

  
\_\_\_\_\_  
Staffan Peterson, for FHWA  
Administrator, INDOT Cultural Resources Section

*MAY 15, 2009*  
\_\_\_\_\_  
Approved Date



Des. No. 0100452  
Small Structure Replacement on SR 44  
Rushville Township, Rush County, Indiana  
Aerial Map showing Area of Potential Effect



B-9

Aerial Photograph 2005  
Town 14N, Range 10E, Section 33  
Town 13N, Range 10E, Section 4  
Source: 2005 Indiana Orthophotography  
(IndianaMap Framework Data [www.indianamap.org](http://www.indianamap.org))



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • [dhpa@dnr.IN.gov](mailto:dhpa@dnr.IN.gov)

Mitchell E. Daniels, Jr., Governor  
Robert E. Carter, Jr., Director



June 12, 2009

Staffan Peterson  
Cultural Resources Section  
Office of Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue, Room N642  
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of the Indiana Department of Transportation's finding of "no historic properties affected" on behalf of the Federal Highway Administration concerning the replacement of two small structures along US 44 (Designation #0100451, 0100452; STP-068-8(010); DHPA #5904)

Dear Mr. Peterson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated May 15, 2009 and received on May 18, 2009, for the above indicated project east of Rushville, Rush County, Indiana.

As previously indicated, we have not identified any historic buildings, structures, districts, objects, or currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

Therefore, we concur with the INDOT's May 15, 2009 finding, on behalf of the FHWA, that there are no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects that will be affected by the above indicated project.

Please note that if any ground disturbing activities will take place within 100 feet of the County Farm Cemetery (location shown in Appendix C), then a cemetery development plan will need to be submitted to our office for review, per Indiana Code (IC) 14-21-1-26.5.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or [ajohnson@dnr.IN.gov](mailto:ajohnson@dnr.IN.gov). If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or [cslider@dnr.IN.gov](mailto:cslider@dnr.IN.gov).

Very truly yours,

  
James A. Glass, Ph.D.

Deputy State Historic Preservation Officer

JAG:ALJ:CWS:cws

cc: Shaun Miller, Indiana Department of Transportation  
emc: Wayne Goodman, Eastern Regional Office, Historic Landmarks Foundation of Indiana

## **Appendix C: Red Flag Investigation**

C1-C10                  Red Flag Investigation





# INDIANA DEPARTMENT OF TRANSPORTATION

## *Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

**Michael R. Pence, Governor**  
**Karl B. Browning, Commissioner**

Date: September 26, 2013

To: Marlene Mathas  
Hazardous Materials Unit  
Environmental Services  
Indiana Department of Transportation  
100 N Senate Avenue, Room N642  
Indianapolis, IN 46204

From: Toni Lynn Giffin  
Environmental Services - NEPA  
Indiana Department of Transportation  
100 North Senate Avenue Room N642  
Indianapolis, IN 46204

Re: RED FLAG INVESTIGATION  
LA Code 4759, Parcel 4  
SR 44  
Rush County, Indiana

### **NARRATIVE**

The subject parcel was acquired by INDOT (Indiana Department of Transportation) for right-of-way purposes. INDOT has decided that this surplus land will not be needed for right-of-way or other transportation purposes within the foreseeable future. A legal description of parcel 4 is as follows:

#### **Parcel: 4 Excess Land**

A part of the West Half of the Northeast Quarter of Section 4, Township 13 North, Range 10 East, Rush County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 40 minutes 26 seconds East 2,398.36 feet along the east line of said section to the centerline of State Road 44; thence South 78 degrees 02 minutes 26 seconds West 1,442.23 feet along the centerline of said State Road 44; thence North 11 degrees 57 minutes 34 seconds West 36.50 feet to the northeast corner of said half-quarter section, which point is on the northwestern boundary of State Road 44 and the point of beginning of this description: thence South 79 degrees 43 minutes 07 seconds West 401.21 feet along the boundary of said State Road 44 to point #111 on said plat; thence North 84 degrees 36 minutes 20 seconds West 41.91 feet along said boundary to point #78 on said plat; thence South 78 degrees 02 minutes 26 seconds West 50.00 feet along said boundary to point #77 on said plat; thence South 51 degrees 28 minutes 32 seconds West 27.95 feet along said boundary to point #110 on said plat; thence South 78 degrees 02 minutes 26 seconds West 142.82 feet along said boundary to point #125 on said plat, which point is on the west line of Deed Instrument #200800000817; thence North 0 degrees 40 minutes 26 seconds West 139.76 feet along said west line to the north line of said half-quarter section; thence South 88 degrees 42 minutes 00 seconds East 648.80 feet along, said north line to the point of beginning and containing 0.982 acres, more or less.

## SUMMARY

<b>Infrastructure</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Religious Facilities	N/A	Recreational Facilities	1
Airports	N/A	Pipelines	N/A
Cemeteries	1	Railroads	1
Hospitals	N/A	Trails	N/A
Schools	N/A	Managed Lands	N/A

Explanation:

**Recreational Facilities:** There is one (1) Recreational Facility located approximately .39 miles west of the parcel. The presence of this Recreational Facility will not impact the sale of the parcel.

**Cemeteries:** There is one (1) Cemetery located approximately 650 feet northwest of the parcel. The presence of this Cemetery will not impact the sale of the parcel.

**Railroads:** There is one (1) Railroad (AMTRAK) located within the ½ mile buffer. Buyer should be made aware that a Railroad (AMTRAK) is approximately .10 miles (695 feet) north of parcel 4.

<b>Water Resources</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
NWI - Points	N/A	NWI – Wetlands	3
Karst Springs	N/A	IDEM 303d Listed Lakes	N/A
Canal Structures – Historic	N/A	Lakes	3
NWI - Lines	N/A	Floodplain – DFIRM	N/A
IDEM 303d Listed Rivers and Streams (Impaired)	N/A	Cave Entrance Density	N/A
Rivers and Streams	10	Sinkhole Areas	N/A
Canal Routes - Historic	N/A	Sinking-Stream Basins	N/A

Explanation:

**NWI - Wetlands:** There are three (3) NWI - Wetlands located within the ½ mile buffer. Wetland #1 is located approximately .43 miles northwest of the parcel. Wetland #2 is located approximately .41 miles southwest of the parcel. Wetland #3 is located approximately .36 miles southwest of the parcel. The presence of these NWI - Wetlands will not impact the sale of the parcel.

**Lakes:** There are three (3) Lakes located within the ½ mile buffer. Lake #1 is located approximately .43 miles northwest of the parcel. Lake #2 is located approximately .41 miles southwest of the parcel. Lake #3 is located approximately 922 feet just southwest of the parcel. The presence of these Lakes will not impact the sale of the parcel.

**Rivers:** There are ten (10) Rivers and Streams located within the ½ mile buffer. Buyer should be made aware that an Intermittent Stream runs through the property of parcel 4.

<b>Mining/Mineral Exploration</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Petroleum Wells	<b>N/A</b>	Petroleum Fields	<b>1</b>
Mines – Surface	<b>N/A</b>	Mines – Underground	<b>N/A</b>

Explanation:

**Petroleum Fields:** There is one (1) Petroleum Field located within the ½ mile buffer. The Petroleum Field is located approximately .40 miles to the northwest and southwest of the parcel. The presence of the Trenton Petroleum Field will not impact the sale of the parcel.

<b>Hazmat Concerns</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Brownfield Sites	<b>N/A</b>	Restricted Waste Sites	<b>N/A</b>
Corrective Action Sites (RCRA)	<b>N/A</b>	Septage Waste Sites	<b>N/A</b>
Confined Feeding Operations	<b>N/A</b>	Solid Waste Landfills	<b>N/A</b>
Construction Demolition Waste	<b>N/A</b>	State Cleanup Sites	<b>N/A</b>
Industrial Waste Sites (RCRA Generators)	<b>N/A</b>	Tire Waste Sites	<b>N/A</b>
Infectious/Medical Waste Sites	<b>N/A</b>	Waste Transfer Stations	<b>N/A</b>
Lagoon/Surface Impoundments	<b>N/A</b>	RCRA Waste Treatment, Storage, and Disposal Sites (TSDs)	<b>N/A</b>
Leaking Underground Storage Tanks (LUSTs)	<b>N/A</b>	Underground Storage Tanks	<b>1</b>
Manufactured Gas Plant Sites	<b>N/A</b>	Voluntary Remediation Program	<b>N/A</b>
NPDES Facilities	<b>N/A</b>	Superfund	<b>N/A</b>
NPDES Pipe Locations	<b>N/A</b>	Institutional Control Sites	<b>N/A</b>
Open Dump Sites	<b>N/A</b>		

Explanation:

**Underground Storage Tanks:** There is one (1) Underground Storage Tank located within the ½ mile buffer. According to goggle maps this is mismarked in GIS. The address that is given is on the West side of Rushville. Therefore, there will be no impact on the sale of this parcel from an Underground Storage Tank.

### Ecological Information

The Rush County listing of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high quality natural communities is attached with ETR species highlighted. Research into the Indiana Heritage database revealed no ETR species within a ½ mile radius of the subject parcel. The sale of the subject parcel is not expected to impact ETR species or high quality natural communities.

### Cultural Resources

A request for review was made to INDOT Environmental Services, Cultural Resources, and will be submitted under separate documentation.

## RECOMMENDATIONS

Include recommendations from each section. If there are no recommendations, please indicate N/A:

INFRASTRUCTURE: Buyer should be made aware that a Railroad (AMTRAK) is approximately .10 miles (695 feet) north of parcel 4.

WATER RESOURCES: Buyer should be made aware that an Intermittent Stream runs through the property of parcel 4.

MINING/MINERAL EXPLORATION: N/A

HAZMAT CONCERNS: N/A

ECOLOGICAL INFORMATION: N/A

CULTURAL RESOURCES: A request for review was made to INDOT Environmental Services, Cultural Resources, and will be submitted under separate documentation.

INDOT Environmental Services concurrence:

**Anthony  
Johnson**  
Digitally signed by Anthony Johnson  
DN: cn=Anthony Johnson,  
o=Hazardous Materials, ou=INDOT  
Environmental Services,  
email=awjohnson@indot.in.gov, c=US  
Date: 2013.12.11 06:05:39 -05'00'  
(Signature)

Prepared by:  
Toni Lynn Giffin  
Environmental Manager II  
INDOT Environmental Services

## Graphics:

GENERAL SITE MAP SHOWING PROJECT AREA: YES

INFRASTRUCTURE: YES

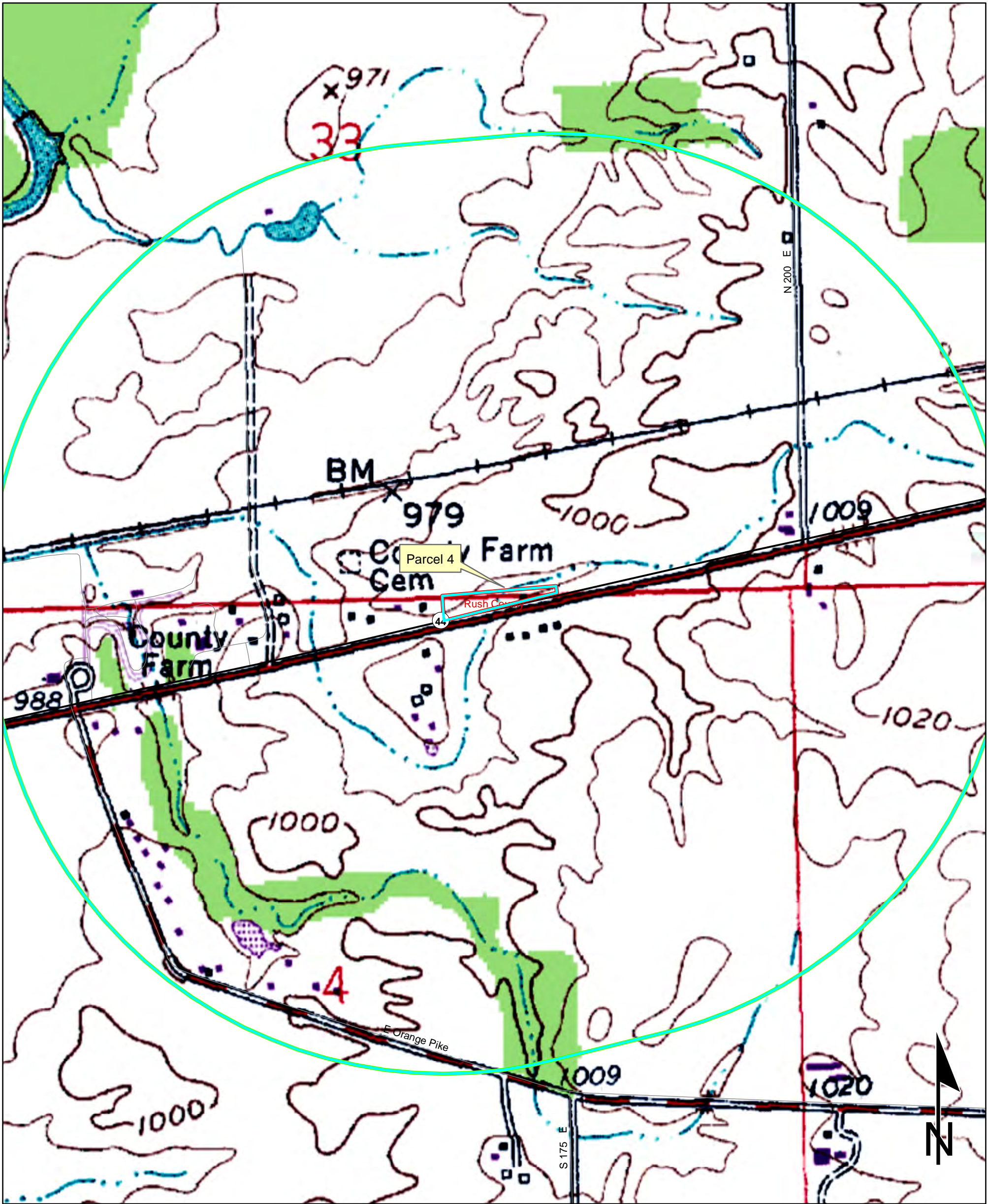
WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: YES

HAZMAT CONCERNS: YES



Red Flag Investigation - Site Location Map  
SR 44 - Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana

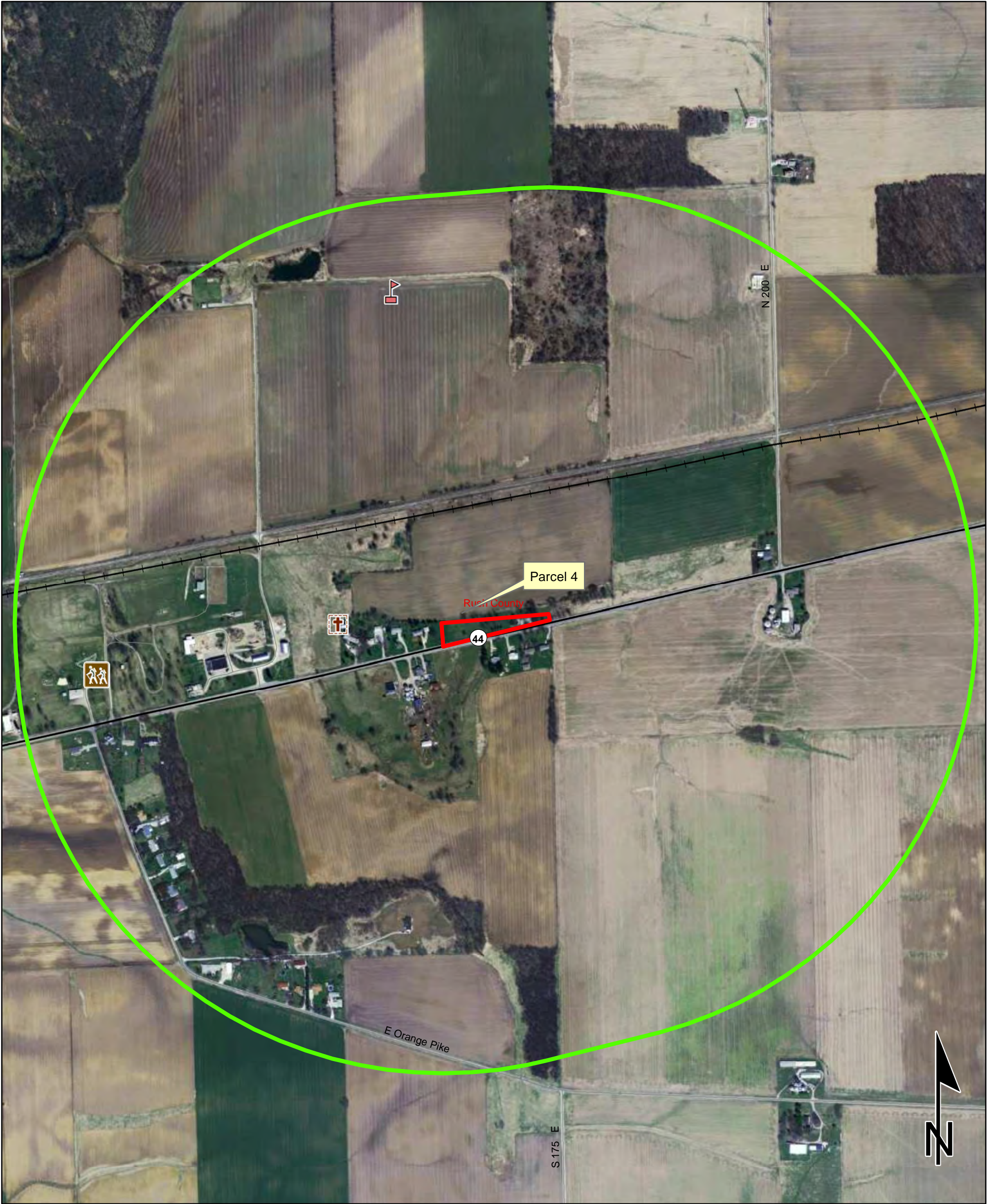


Sources: 0.1 0.05 0 0.1 Miles  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83  
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

RUSHVILLE QUADRANGLE  
INDIANA  
7.5 MINUTE SERIES  
(TOPOGRAPHIC)



Red Flag Investigation - Infrastructure Map  
SR 44 - Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



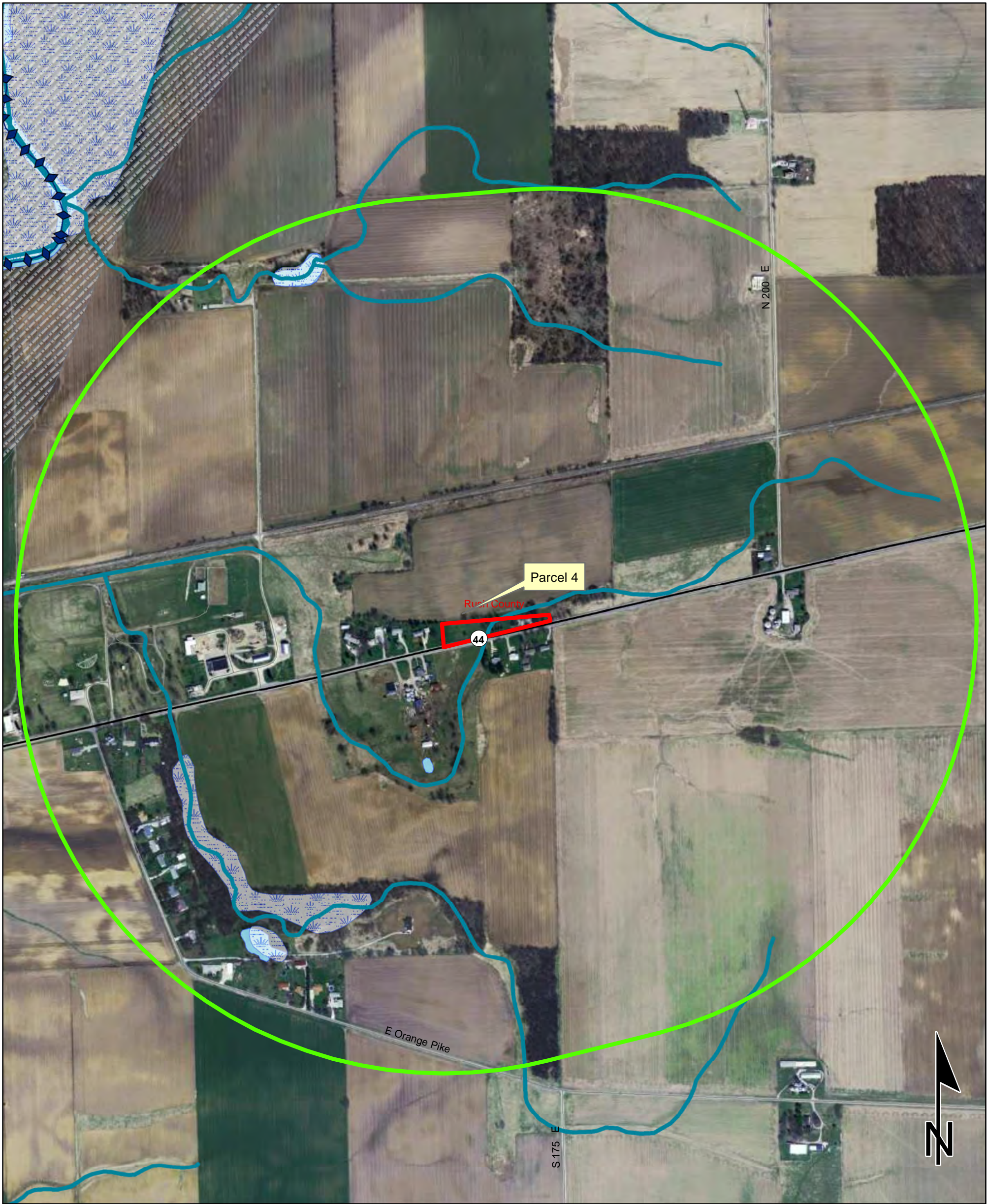
**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

**This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.**

	Religious Facility		Recreation Facility		Project Area
	Religious Facility		Pipeline		Half Mile Radius
	Indiana Map		Railroad		Interstate
	Airport		Trails		State Route
	Cemeteries		Managed Lands		US Route
	Hospital		County Boundary		Local Road
	School				

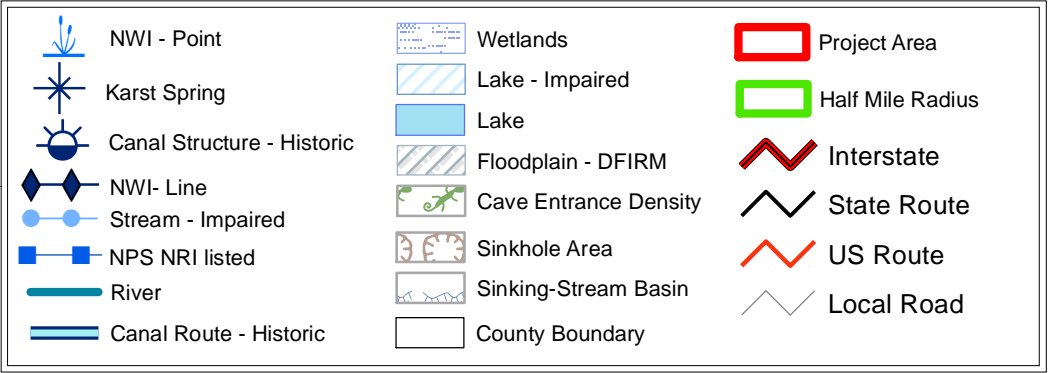


Red Flag Investigation - Water Resource Map  
SR 44 - Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



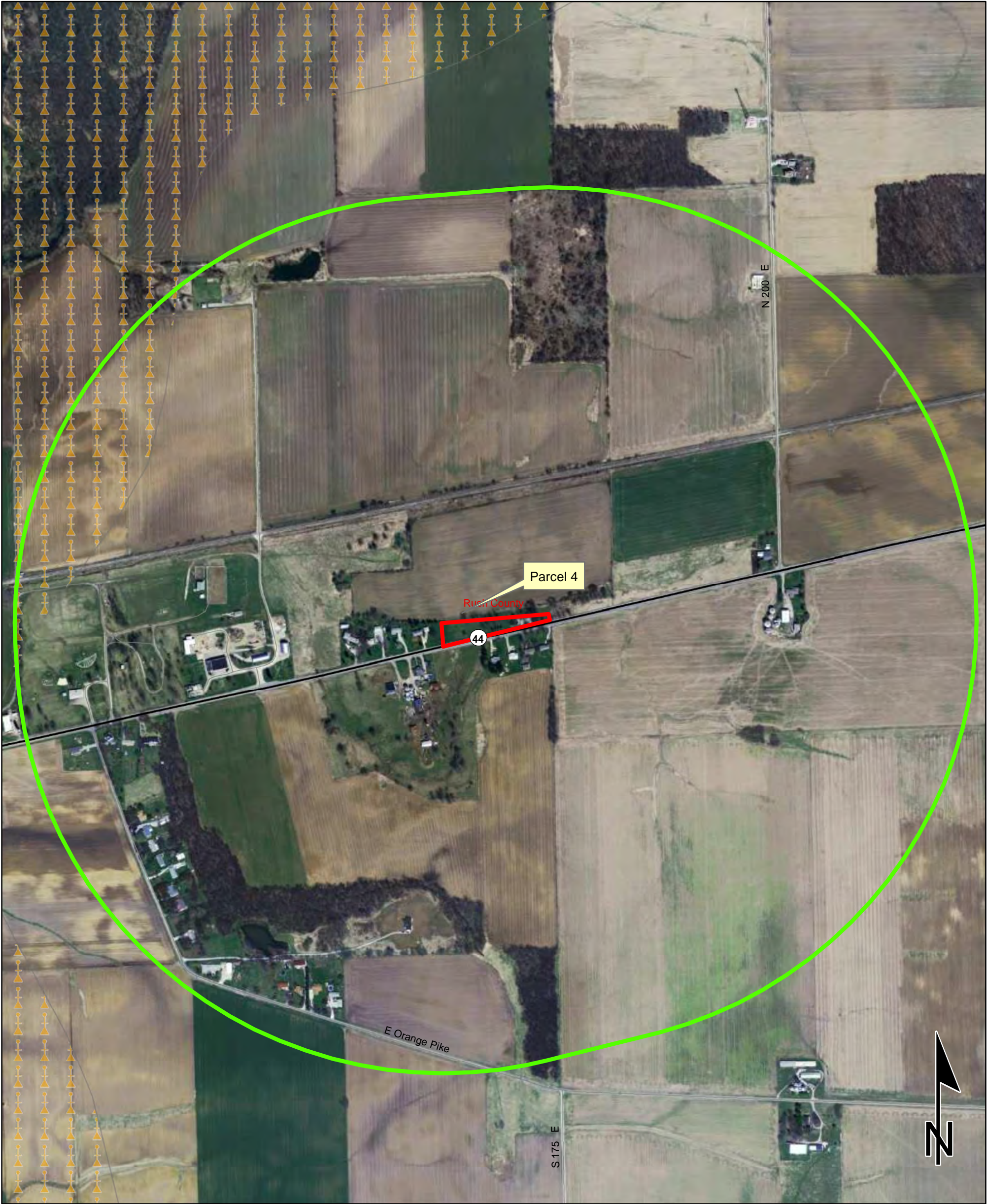
**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

**This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.**





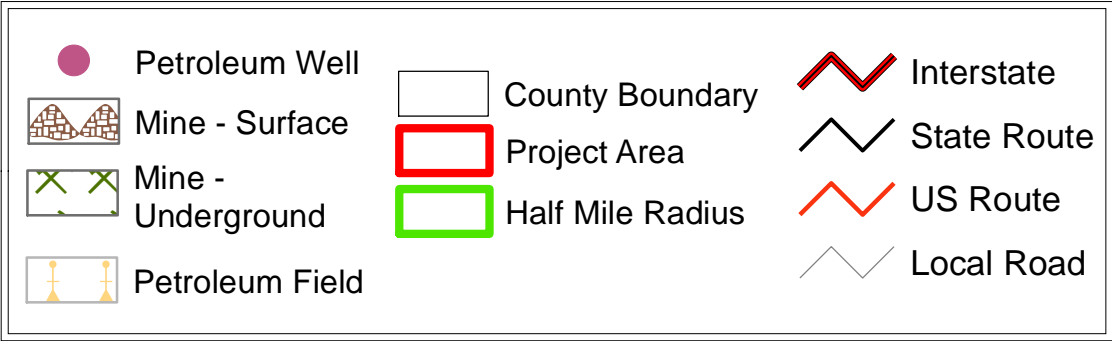
Red Flag Investigation - Mining/Mineral Exploration Map  
SR 44 - Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



0.1 0.05 0 0.1 Miles

**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.





Red Flag Investigation - Hazmat Map  
SR 44 - Excess Parcel  
LA 4759, Parcel 4  
Rush County, Indiana



	Brownfield		RCRA Generator/TSD		Institutional Controls
	RCRA Corrective Action Sites		Restricted Waste Site		County Boundary
	Confined Feeding Operation		Septage Waste Site		Project Area
	Construction/Demolition Site		Solid Waste Landfill		Half Mile Radius
	Infectious/Medical Waste Site		State Cleanup Site		Interstate
	Leaking Underground Storage Tank		Superfund		State Route
	Manufactured Gas Plant		Tire Waste Site		US Route
	NPDES Facilities		Underground Storage Tank		Local Road
	NPDES Pipe Locations		Voluntary Remediation Program		
	Open Dump Waste Site		Waste Transfer Station		

0.1 0.05 0 0.1  
Miles

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83



# Indiana County Endangered, Threatened and Rare Species List

## County: Rush

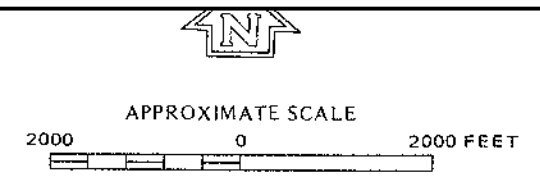
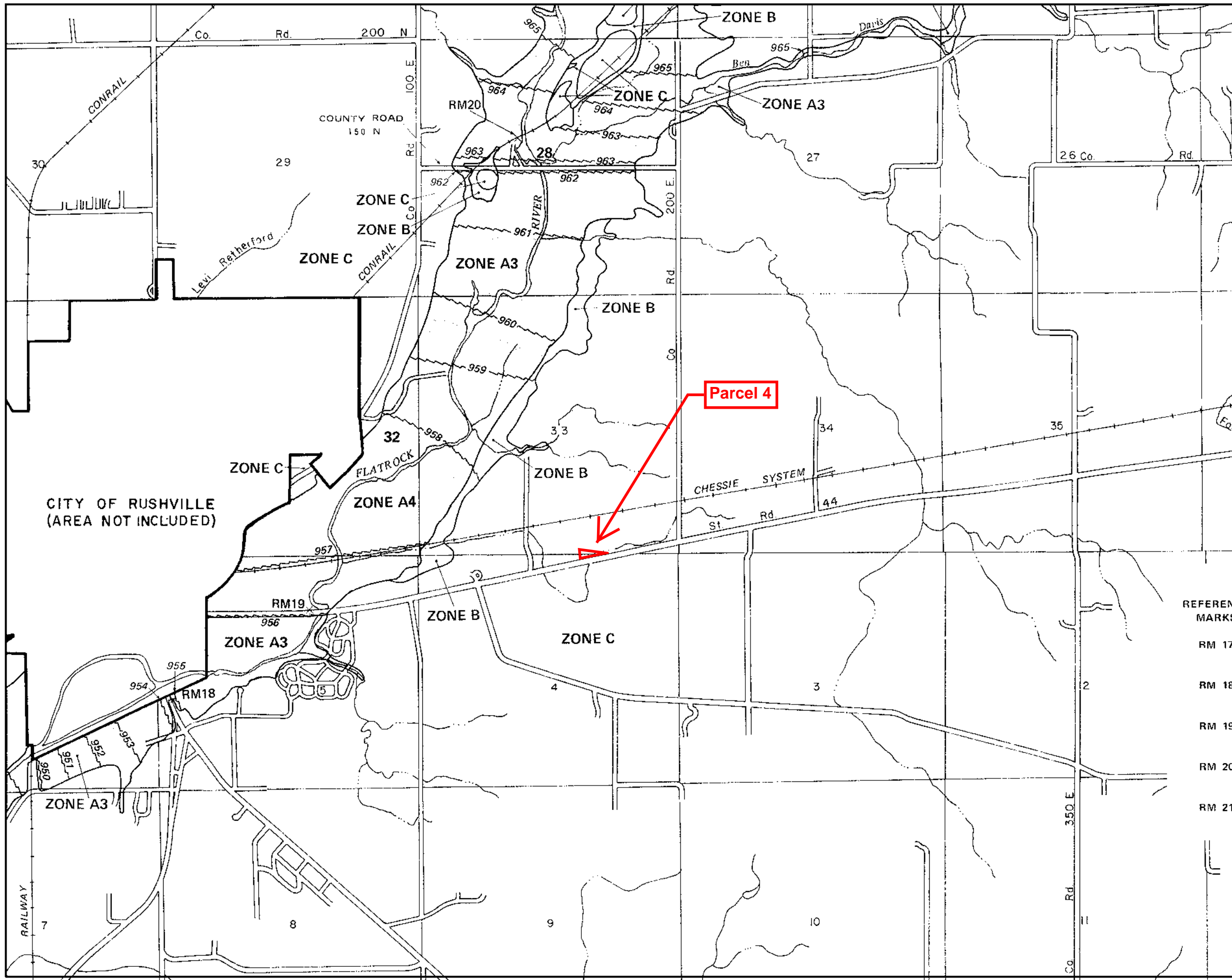
Species Name	Common Name	FED	STATE	GRANK	SRANK
<b>Mollusk: Bivalvia (Mussels)</b>					
Lampsilis fasciola	Wavyrayed Lampmussel		SSC	G5	S3
Pleurobema clava	Clubshell	LE	SE	G2	S1
Ptychobranhus fasciolaris	Kidneyshell		SSC	G4G5	S2
Toxolasma lividus	Purple Lilliput		SSC	G3	S2
Villosa lienosa	Little Spectaclecase		SSC	G5	S3
<b>Fish</b>					
Notropis ariommus	Popeye Shiner		SX	G3	SX
<b>Amphibian</b>					
Rana pipiens	Northern Leopard Frog		SSC	G5	S2
<b>Bird</b>					
Ardea herodias	Great Blue Heron			G5	S4B
Lanius ludovicianus	Loggerhead Shrike	No Status	SE	G4	S3B
Tyto alba	Barn Owl		SE	G5	S2
<b>Mammal</b>					
Myotis sodalis	Indiana Bat or Social Myotis	LE	SE	G2	S1
Nycticeius humeralis	Evening Bat		SE	G5	S1
Taxidea taxus	American Badger		SSC	G5	S2
<b>Vascular Plant</b>					
Carex sparganioides var. cephaloidea	Thinleaf Sedge		SE	G5	S1
<b>High Quality Natural Community</b>					
Forest - upland mesic	Mesic Upland Forest		SG	G3?	S3

Indiana Natural Heritage Data Center  
Division of Nature Preserves  
Indiana Department of Natural Resources  
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

## **Appendix D: Water Resources**

D1	FEMA Floodplain Map
D2	USFWS National Wetlands Inventory Map
D3	IDEM Wellhead Proximity Determinator
D4	IDNR Water Wells Records Map



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
FLOOD INSURANCE RATE MAP**

COUNTY OF  
**RUSH,  
INDIANA**  
(UNINCORPORATED AREAS)

PANEL 100 OF 150

REFERENCE  
MARKS

- RM 17
- RM 18
- RM 19
- RM 20
- RM 21

COMMUNITY-PANEL NUMBER  
180421 0100 B

EFFECTIVE DATE:  
DECEMBER 1, 1982



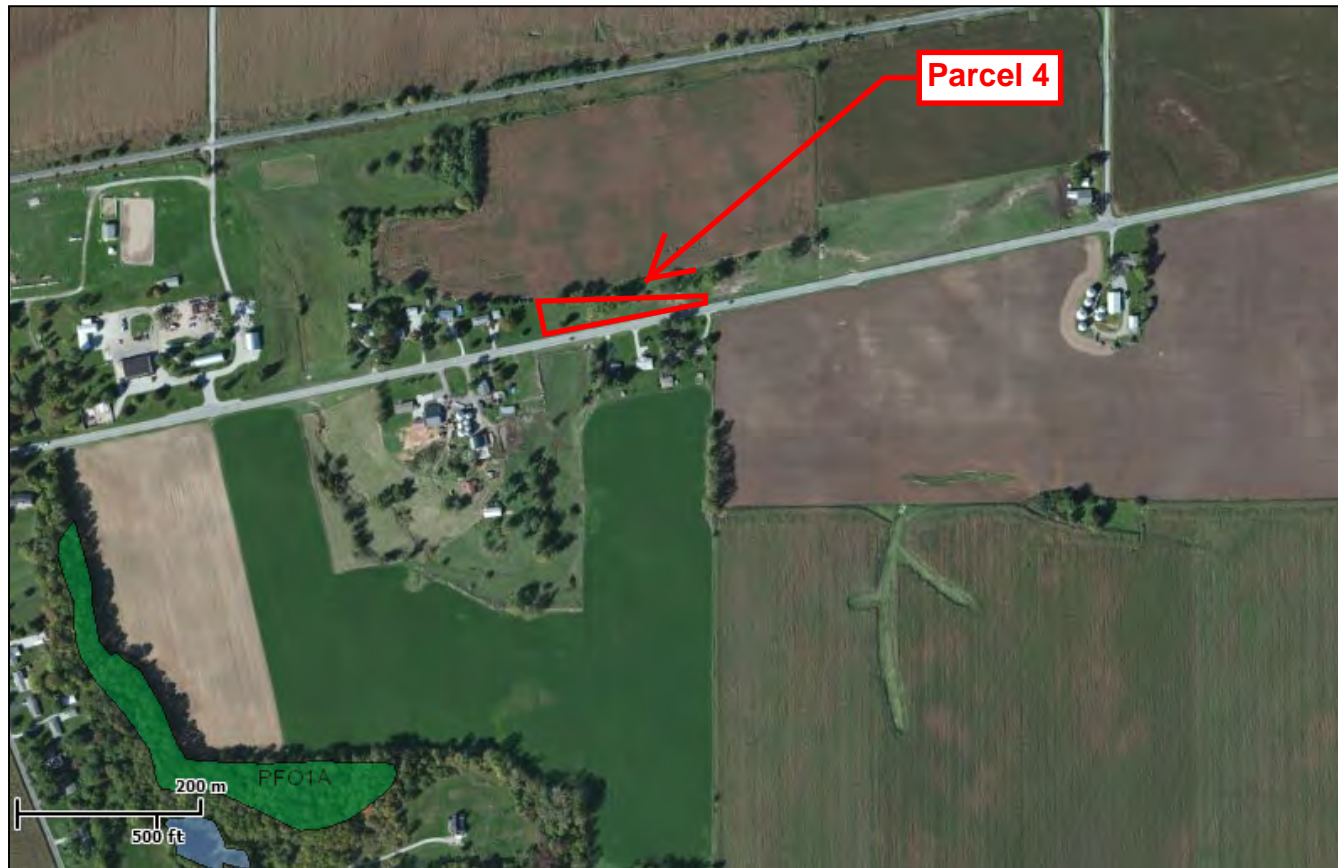
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



## U.S. Fish and Wildlife Service National Wetlands Inventory

Dec 20, 2013



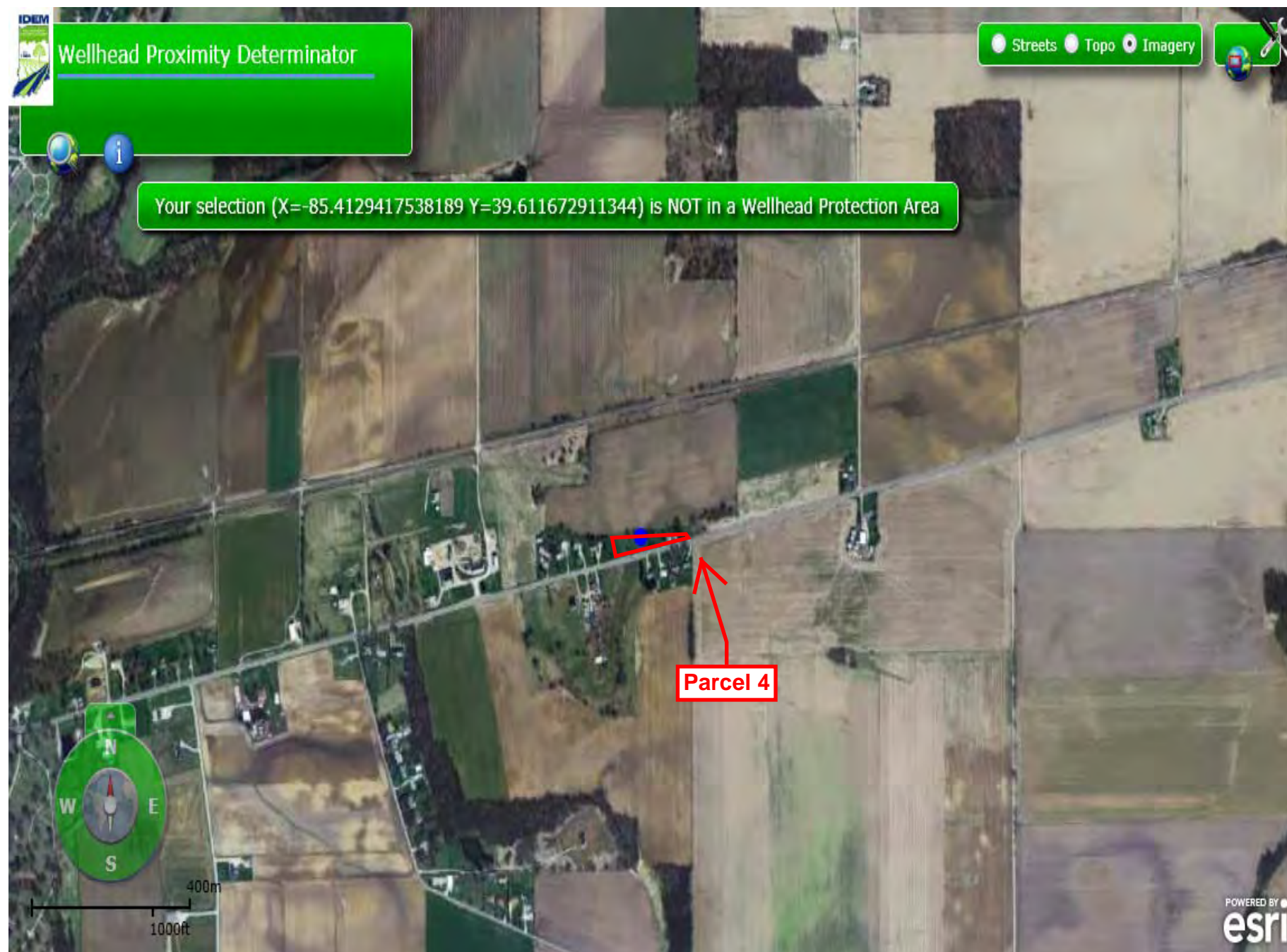
### Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:







# Water Wells Records Map

Indiana Dept. of Natural Resources



Copyright 2012 Indiana Dept. of Natural Resources. Fri Dec 20 2013 02:31:08 PM.

## **Appendix E: Parcel Documentation**

E1-E19                      Specific Parcel Information





**INDIANA DEPARTMENT OF TRANSPORTATION**  
*Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

PHONE: (317) 232-5005  
FAX: (317) 233-3055

**Michael R. Pence., Governor**  
**Karl B. Browning, Commissioner**

August 27, 2013

MEMORANDUM

TO: Ken McMullen, Environmental Services

THRU: Chris Andrews, Environmental Services

THRU: Ron Bales, Environmental Services

FROM: Steve Catron, Manager, Excess Land Team  
Real Estate Division

SUBJECT: Request for Archaeological Clearance, Hazardous Waste Survey & CE to Dispose of Excess. This property is EXCESS R/W. The Greenfield District has determined the property to be excess.

Project: MWP-068-8(AN)  
Parcel(s): 4  
Code: 4759  
County: Rush  
Road: 44

**Expected time of completion of the above activities is October 1, 2013**

This Division desires to proceed with the disposal of the subject properties, unless there is some indication that the disposal of this property would not be in the best interest of the State. **Also, please obtain a clearance letter from the Department of Natural Resources, if needed.**





**E-2**



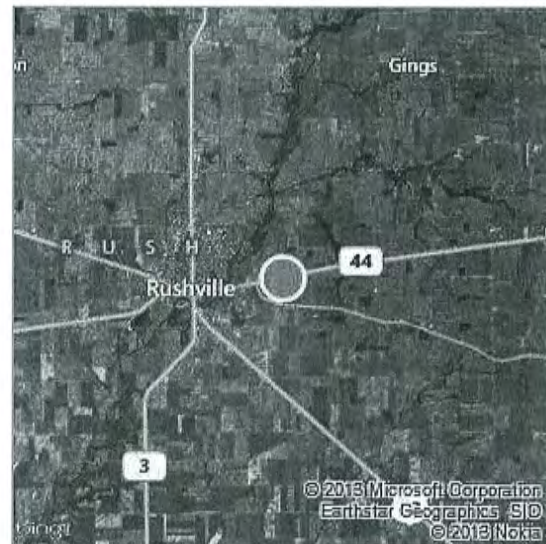
bing Maps

1672 IN-44, Rushville, IN 46173

My Notes



On the go? Use **m.bing.com** to find maps, directions, businesses, and more



Bird's eye view maps can't be printed, so another map view has been substituted.





# INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Greenfield District  
32 S. Broadway St.  
Greenfield, IN 46140

PHONE: (317) 462-7751  
FAX: (317) 462-7031

Mitchell E. Daniels, Jr., Governor  
Michael B. Cline, Commissioner

May 9, 2011

To: Brandye Hendrickson  
Greenfield District Deputy Commissioner

Thru: Ron Raney, Manager  
Greenfield District Real Estate Office

From: Michael J. Rogers *[Signature]*  
Greenfield District Real Estate Office

RE: Request to Sell Excess Land  
Project: MWP-068-8(AP)  
Road: State Road 44  
Location: 1672 E State Road 44, Rushville, IN 46173  
County: Rush  
Parcel: 4  
Code: 4759  
Des Number: 0100452

We have received a request to buy land the department acquired as right of way.

The district deputy commissioner must decide if the sale of the excess right of way at the referenced location is property the department wants to sell before the Central Office of Property Management can move forward to dispose of the property. Attached please find a right of way plan sheet for the requested referenced property.

At a minimum please address the below concerns:

NO Are there bridge or pipe structures located in the excess R/W INDOT needs to maintain?

NO Are there slopes within the excess R/W that INDOT needs to maintain?

NO Are there other INDOT improvements, sod, concrete, paved ditches etc, within the excess R/W that INDOT needs to maintain?

If there are no maintenance concerns within the requested area, if the district deputy commissioner wishes to declare the property as excess and if the property is not needed now or expected to be needed in the future, please approve this request by signing on the appropriate line.

If the property is needed now or expected to be needed in the future, please deny this request by signing on the appropriate line.

Please return the attached documents.

APPROVED: *[Signature]*  
DISTRICT REAL ESTATE MANAGER

DATE: 5/9/11

APPROVED: *[Signature]*  
DISTRICT DEPUTY COMMISSIONER

DATE: 5/9/11

DENIED: \_\_\_\_\_  
DISTRICT DEPUTY COMMISSIONER

DATE: \_\_\_\_\_

REASON DENIED: \_\_\_\_\_

# RIGHT OF WAY EXCESS LAND PARCEL PLAT EXHIBIT "B"

Code: 4759

Parcel 4  
Project: MWP-068-8(AP)  
Road: S.R. 44  
County: Rush  
Section: 4  
Township: 13 N.  
Range: 10 E.

Grantor: State of Indiana  
Instrument #200800000817, Dated 2-14-2008

Drawn By: J.Pilk Sr. 12-3-09  
Ck'd By: R.L. Raney



Hatched Area is the  
approximate taking

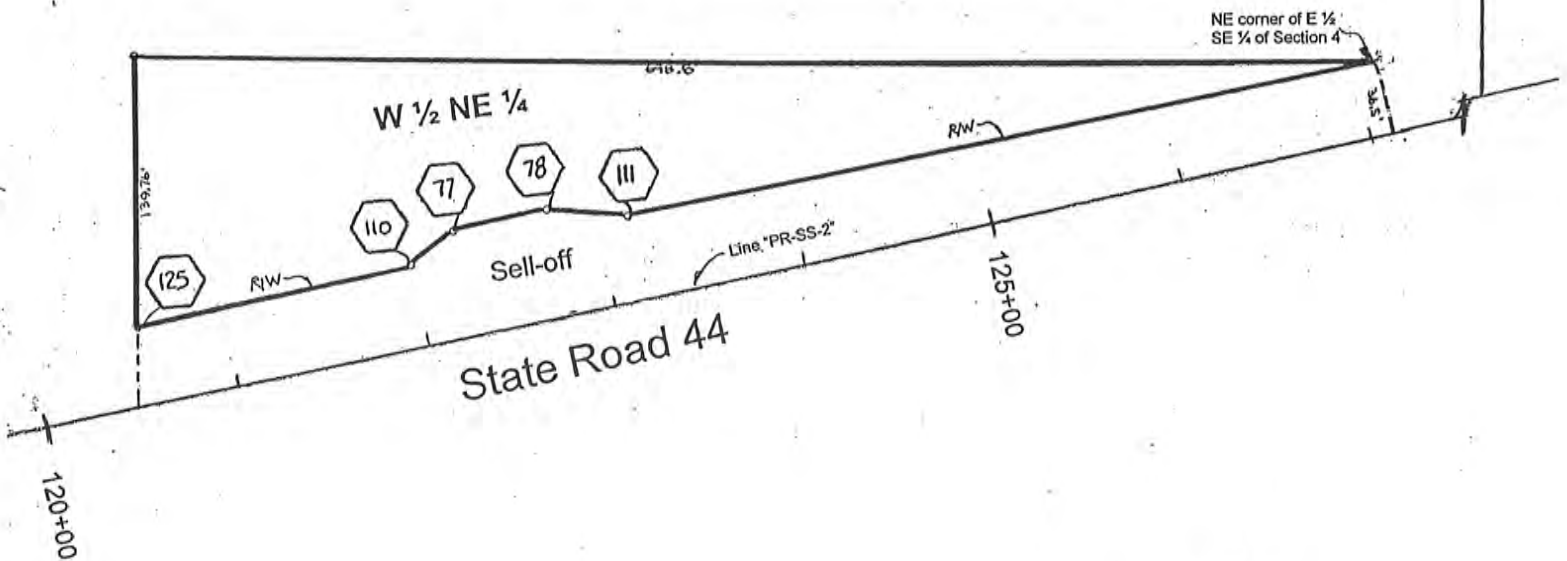
This plat was prepared from information obtained from the Recorder's Office  
and other sources which were not necessarily checked by a field survey.

Scale: 1" = 100'



Parcel Coordinate Chart

Point #	North	East	Station	Offset	CL
77	1589283.4665	399507.5380	122+25.00	55.00' LT	PRSS2
78	1589293.8275	399556.4527	122+75.00	55.00' LT	PRSS2
110	1589266.0573	399485.6709	122+00.00	42.50' LT	PRSS2
111	1589289.8877	399598.1747	123+15.00	42.50' LT	PRSS2
125	1589236.4625	399345.9518	120+57.18	42.50' LT	PRSS2
47	See Location Control Route Survey Plat				



## SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as Deed Record 164, page 563, in the Office of the Recorder of Rush County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule12").

*Ronald L. Raney* 5/9/11  
Ronald L. Raney, LS80870012, Dated

## EXHIBIT "A"

Project: MWP-068-8(AN)

Sheet 1 of 1

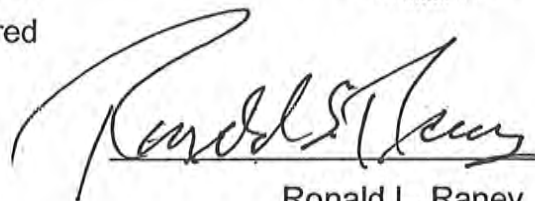
Code: 4758

Parcel: 4 Excess Land

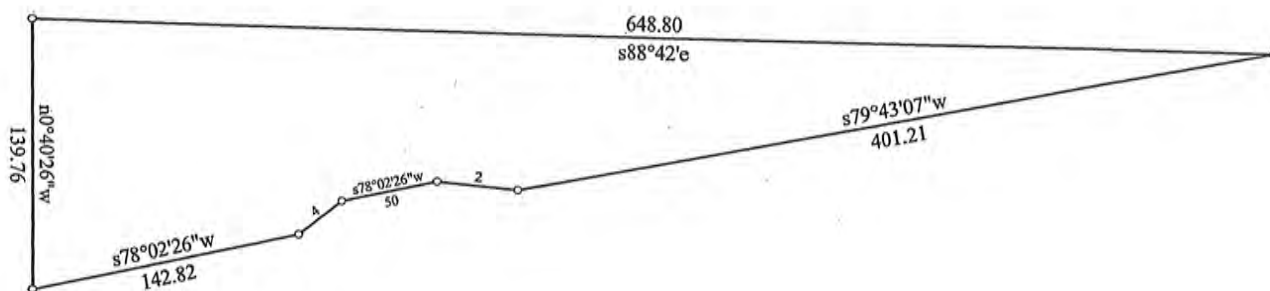
A part of the West Half of the Northeast Quarter of Section 4, Township 13 North, Range 10 East, Rush County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 40 minutes 26 seconds East 2,398.36 feet along the east line of said section to the centerline of State Road 44; thence South 78 degrees 02 minutes 26 seconds West 1,442.23 feet along the centerline of said State Road 44; thence North 11 degrees 57 minutes 34 seconds West 36.50 feet to the northeast corner of said half-quarter section, which point is on the northwestern boundary of State Road 44 and the point of beginning of this description: thence South 79 degrees 43 minutes 07 seconds West 401.21 feet along the boundary of said State Road 44 to point #111 on said plat; thence North 84 degrees 36 minutes 20 seconds West 41.91 feet along said boundary to point #78 on said plat; thence South 78 degrees 02 minutes 26 seconds West 50.00 feet along said boundary to point #77 on said plat; thence South 51 degrees 28 minutes 32 seconds West 27.95 feet along said boundary to point #110 on said plat; thence South 78 degrees 02 minutes 26 seconds West 142.82 feet along said boundary to point #125 on said plat, which point is on the west line of Deed Instrument #200800000817; thence North 0 degrees 40 minutes 26 seconds West 139.76 feet along said west line to the north line of said half-quarter section; thence South 88 degrees 42 minutes 00 seconds East 648.80 feet along said north line to the point of beginning and containing 0.982 acres, more or less.



This description was prepared for the Indiana Department of Transportation by Ronald L. Raney, Indiana Registered Land Surveyor, License Number LS 80870012 on the 3<sup>rd</sup> day of December, 2009

  
Ronald L. Raney





Title:		Date:
Scale: 1 inch = 100 feet	File: Untitled	
Tract 1: 0.982 Acres: 42766 Sq Feet: 3973.1 Sq Meters: No significant closure error. : Perimeter = 1452 feet		
001=s79.4307w 401.21	004=s51.2832w 27.95	007=s88.42e 648.80
002=n84.3620w 41.91	005=s78.0226w 142.82	
003=s78.0226w 50	006=n0.4026w 139.76	

200800000217  
Filed for Record in  
RUSH COUNTY, INDIANA  
SALLY NIEDENTHAL  
04-03-2008 At 01:28 pm.  
NO CHG DEED .00  
OR Book 26 Page 1351 - 1355  
Instrument Book Page  
200800000217 OR 26 1351

Form WD-1  
8/98

**WARRANTY DEED**  
010-72073-00

Project: MWP-068-8-(AP)  
Code: 4759  
Parcel: 4  
Page: 1 of 2

**THIS INDENTURE WITNESSETH, That**

Tricia A. Garrett and Larry J. Garrett, Husband and Wife

the Grantor(s), of Rush County, State of Indiana Convey(s) and Warrant(s) to the STATE OF INDIANA, the Grantee, for and in consideration of the sum of One Hundred Thirty-four Thousand, Three Hundred fifty-three and 40/100 Dollars (\$ 134,353.40) (of which said sum \$134,353.40 represents land and improvements acquired and \$-0- represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Rush, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

The Grantor(s) assume(s) and agree(s) to pay all real estate property taxes for the year 2007 and payable 2008 on the above described real estate, plus all unpaid property taxes, penalties, and interest.

Interests in land acquired by the Indiana  
Department of Transportation  
Grantee mailing address:  
100 North Senate Avenue  
Indianapolis, IN 46204-2219  
I.C.8-23-7-31

This Instrument Prepared By see pg. 3  
Attorney at Law

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

Quorah Adams  
AUDITOR RUSH COUNTY  
DATE 4-3-08



Project: MWP-068-8-(AP)  
Code: 4759  
Parcel: 4  
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) have executed this instrument this 14th day of February, 2008.

Tricia A Garrett (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

Tricia A. Garrett, Wife  
Printed Name

\_\_\_\_\_  
Printed Name

Larry J Garrett (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

Larry J. Garrett, Husband  
Printed Name

\_\_\_\_\_  
Printed Name

STATE OF Indiana:

COUNTY OF Rush:

SS:

Before me, a Notary Public in and for said State and County, personally appeared Tricia A Garrett and Larry J. Garrett, Husband and wife, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 14th day of February, 2008.

William Carlson  
Signature

William Carlson  
Printed Name

My Commission expires 11/28/15.

I am a resident of Madison County.

My State of residence is Indiana.

2008/02/26-08

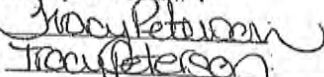
This instrument was prepared and approved as to form  
by the undersigned Deputy Attorney General who,  
under penalties of perjury, affirms that he has redacted,  
to the extent permitted by law, each Social Security  
number in this document.



RICHARD C. MELFI  
DEPUTY ATTORNEY GENERAL

Richard C. Melfi, Attorney No. 23425-29  
Deputy Attorney General  
State of Indiana  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 West Washington Street  
Indianapolis, IN 46204

"I affirm, under the penalties for perjury,  
that I have taken reasonable care to  
redact each Social Security number in this  
document, unless required by law".

Signature:   
Printed Name: Tracy Peterson

TRANSACTION EXEMPT FROM SALES  
DISCLOSURE REQUIREMENTS UNDER  
IC6-1-1-5-5

EXHIBIT "A"

Project: MWP-068-8(AN)

Sheet 1 of 1

Code: 4759

Parcel: 4 Total Take

Form: WD-1

*A parcel of land lying in the northeast corner of the west half of the northeast quarter of Section four (4), Township thirteen (13), North, Range ten (10) east, described as follows:*

*Beginning at the northeast corner of said half quarter section and running thence west on the north line of said half quarter section six hundred forty-eight and eight tenths (648.8) feet to a stake; thence south One hundred sixty-five (165) feet to a railroad spike driven in the center line of the pavement of State Highway No. 44; thence north seventy-eight (78) degrees and twenty (20) minutes east with the center line of said State Highway No. 44 a distance of six hundred sixty-one and two tenths (661.2) feet to a point in the east line of said half-quarter section; thence north on the east line of said half-quarter section thirty-six and five tenths (36.5) feet to the place of beginning, containing one and five tenths (1.5) acres.*

*This description was prepared for the Indiana Department of Transportation by Ronald L. Raney, Indiana Registered Land Surveyor, License Number LS 80870012 on the 28<sup>th</sup> day of November, 2007*



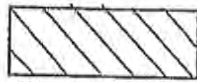
*Ronald L. Raney*  
Ronald L. Raney

# RIGHT OF WAY PARCEL PLAT

## EXHIBIT "B"

Code: 4759  
 Instrument Book Page  
 200800000817 DR 26 1355  
 Drawn By: J.Pilk Sr. 3-5-07  
 Ck'd By: R.L. Raney

Parcel 4  
 Project: MWP-068-8(AP)  
 Road: S.R. 44  
 County: Rush  
 Section: 4  
 Township: 13 N.  
 Range: 10 E.



Hatched Area is the  
 approximate taking

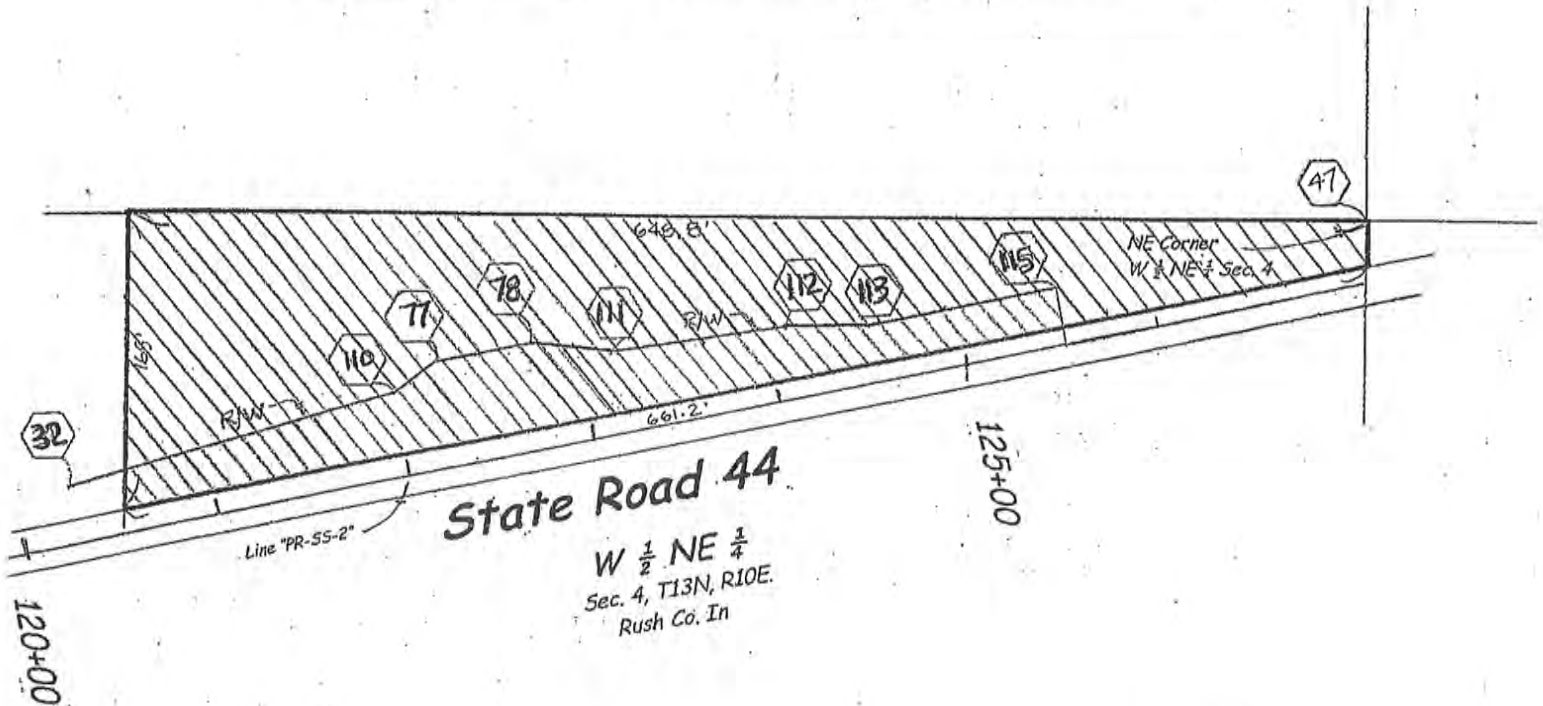
This plat was prepared from information obtained from the Recorder's Office  
 and other sources which were not necessarily checked by a field survey.

Scale: 1" = 100'



Parcel Coordinate Chart

Point #	North	East	Station	Offset	CL
32	1589202.2597	399243.7578	119+50.00	30.00' LT	PRSS2
77	1589283.4665	399507.5380	122+25.00	55.00' LT	PRSS2
78	1589293.8275	399556.4527	122+75.00	55.00' LT	PRSS2
110	1589266.0573	399485.6709	122+00.00	42.50' LT	PRSS2
111	1589289.8877	399598.1747	123+15.00	42.50' LT	PRSS2
112	1589304.6821	399692.1488	124+10.00	37.50' LT	PRSS2
113	1589305.6337	399732.8347	124+50.00	30.00' LT	PRSS2
115	1589326.3557	399830.6641	125+50.00	30.00' LT	PRSS2
47	See Location Control Route Survey Plat				



### SURVEYOR'S STATEMENT

the best of my knowledge and belief, this plat, together with the Location  
 Control Route Survey Plat recorded as Deed Record 164, page 306 in the  
 Office of the Recorder of Rush County, Indiana, (incorporated and made  
 part hereof by reference) comprise a Route Survey executed in accordance  
 with Indiana Administrative Code 865 IAC 1-12, ("Rule 12")



*Ronald L. Raney*  
 Ronald L. Raney, LS80870012, Dated 2/28/02



200800000816  
Filed for Record in  
RUSH COUNTY, INDIANA  
SALLY NIEDENTHAL  
04-03-2008 At 01:28 pm.  
NO CHG DEED .00  
OR Book 26 Page 1346 - 1350

Instrument Book Page  
200800000816 OR 26 1346

Form QCD-1  
8/98

**QUIT CLAIM DEED**  
010-72073-00

Project: MWP-068-8-(AP)  
Code: 4759  
Parcel: 4  
Page: 1 of 2

**THIS INDENTURE WITNESSETH,**

Keith Ison, d.b.a. Vinyl Therm of Indiana

the Grantor(s), of Rush County, State of Indiana Release(s) and Quit Claim(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One and NO/100 Dollars (\$1.00) (of which said sum \$ 1.00 represents land and improvements and -0- (represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Rush, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference, the nature of said rights, the Grantor(s) claims arose as follows:

INTENT TO FILE A MECHANIC'S LIEN DATED 11/15/2007, INSTRUMENT 3200700003387

Interests in land acquired by the Indiana  
Department of Transportation  
Grantee mailing address:  
100 North Senate Avenue  
Indianapolis, IN 46204-2219  
I.C.8-23-7-31

This Instrument Prepared By

see pg. 3  
Attorney at Law

FILED ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

*Quorah Adams*  
AUDITOR RUSH COUNTY  
DATE 4-3-08

Project: MWP-068-8-(AP)  
Code: 4759  
Parcel: 4  
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument this 14th day February, 2008.  
*Vinyl Thermos of Indiana*

Signature \_\_\_\_\_ (Seal) Signature \_\_\_\_\_ (Seal)

Keith Ison, OWNER  
Printed Name . Printed Name

Signature \_\_\_\_\_ (Seal) Signature \_\_\_\_\_ (Seal)

Printed Name Printed Name

STATE OF Indiana :  
COUNTY OF Rush : SS:

*(IN WITNESS WHEREOF)* Before me, a Notary Public in and for said State and County, personally appeared Keith Ison, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 14th day February, 2008.

Signature William Carlson

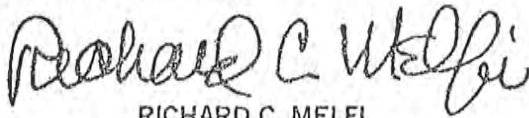
Printed Name: William Carlson

My Commission expires 11/28/2008

I am a resident of Madison County.

*2/28/2008*

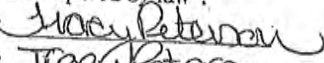
This instrument was prepared and approved as to form by the undersigned Deputy Attorney General who, under penalties of perjury, affirms that he has redacted, to the extent permitted by law, each Social Security number in this document.



RICHARD C. MELFI  
~~DEPUTY ATTORNEY GENERAL~~

Richard C. Melfi, Attorney No. 23425-29  
Deputy Attorney General  
State of Indiana  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 West Washington Street  
Indianapolis, IN 46204

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law".

Signature:   
Printed Name: Tracy Peterson

TRANSACTION EXEMPT FROM SALES  
DISCLOSURE REQUIREMENTS UNDER  
IC6-1-1-5-5

*EXHIBIT "A"*

*Project: MWP-068-8(AN)*

*Sheet 1 of 1*

*Code: 4759*

*Parcel: 4 Total Take*

*Form: WD-1*

*A parcel of land lying in the northeast corner of the west half of the northeast quarter of Section four (4), Township thirteen (13), North, Range ten (10) east, described as follows:*

*Beginning at the northeast corner of said half quarter section and running thence west on the north line of said half quarter section six hundred forty-eight and eight tenths (648.8) feet to a stake; thence south One hundred sixty-five (165) feet to a railroad spike driven in the center line of the pavement of State Highway No. 44; thence north seventy-eight (78) degrees and twenty (20) minutes east with the center line of said State Highway No. 44 a distance of six hundred sixty-one and two tenths (661.2) feet to a point in the east line of said half-quarter section; thence north on the east line of said half-quarter section thirty-six and five tenths (36.5) feet to the place of beginning, containing one and five tenths (1.5) acres.*

*This description was prepared for the Indiana Department of Transportation by Ronald L. Raney, Indiana Registered Land Surveyor, License Number LS 80870012 on the 28<sup>th</sup> day of November, 2007*



*Ronald L. Raney*  
Ronald L. Raney



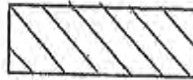
# RIGHT OF WAY PARCEL PLAT EXHIBIT "B"

Code: 4759  
Instrument 200800000816 OR Book Page 26 1350

Parcel 4  
Project: MWP-068-8(AP)  
Road: S.R. 44  
County: Rush  
Section: 4  
Township: 13 N.  
Range: 10 E.

Grantor: Tricia A. Garrett  
Deed Record 146, page 88-89, Dated 9-25-1995

Drawn By: J. Pilk Sr. 3-5-07  
Ck'd By: R.L. Raney



Hatched Area is the  
approximate taking

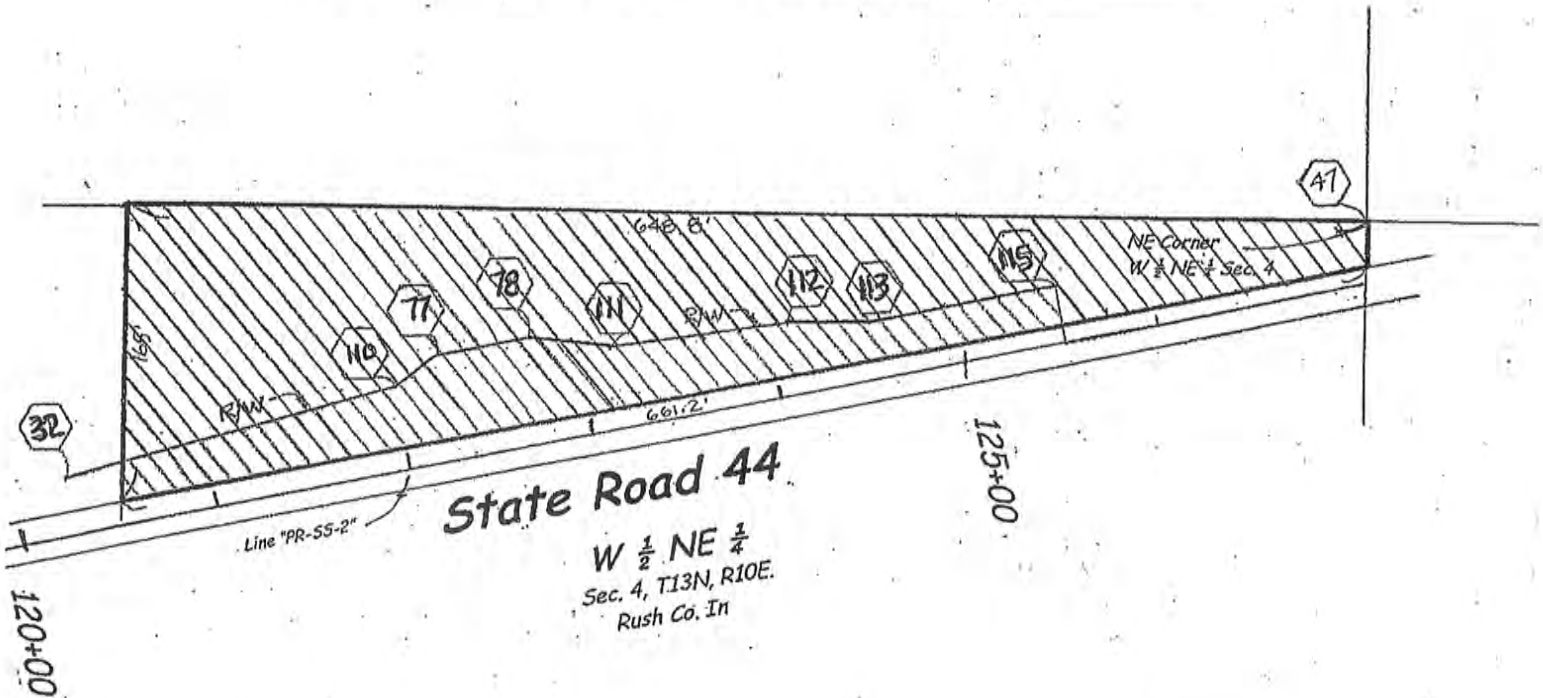
This plat was prepared from information obtained from the Recorder's Office  
and other sources which were not necessarily checked by a field survey.

Scale: 1" = 100'



Parcel Coordinate Chart

Point #	North	East	Station	Offset	CL
32	1589202.2597	399243.7578	119+50.00	30.00' LT	PRSS2
77	1589283.4665	399507.5380	122+25.00	55.00' LT	PRSS2
78	1589293.8275	399556.4527	122+75.00	55.00' LT	PRSS2
110	1589266.0573	399485.6709	122+00.00	42.50' LT	PRSS2
111	1589289.8877	399598.1747	123+15.00	42.50' LT	PRSS2
112	1589304.6821	399692.1488	124+10.00	37.50' LT	PRSS2
113	1589305.6337	399732.8347	124+50.00	30.00' LT	PRSS2
115	1589326.3557	399830.6641	125+50.00	30.00' LT	PRSS2
47	See Location Control Route Survey Plat				



State Road 44

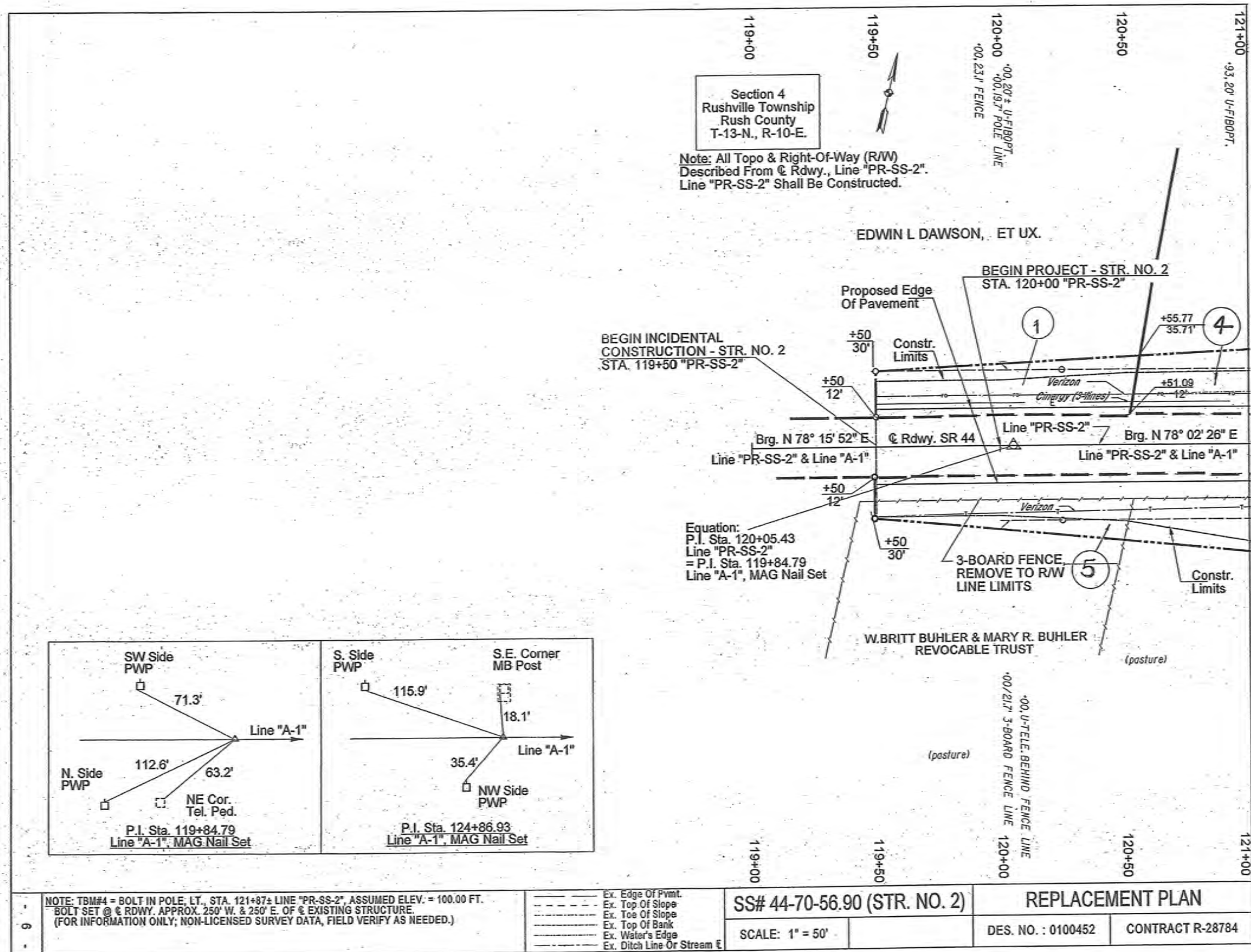
W 1/2 NE 1/4  
Sec. 4, T13N, R10E.  
Rush Co. In

## SURVEYOR'S STATEMENT

the best of my knowledge and belief, this plat, together with the Location  
Control Route Survey Plat recorded as Deed Record 164, page 300 in the  
Office of the Recorder of Rush County, Indiana, (incorporated and made  
part hereof by reference) comprise a Route Survey executed in accordance  
with Indiana Administrative Code 865 IAC 1-12, ("Rule 12")



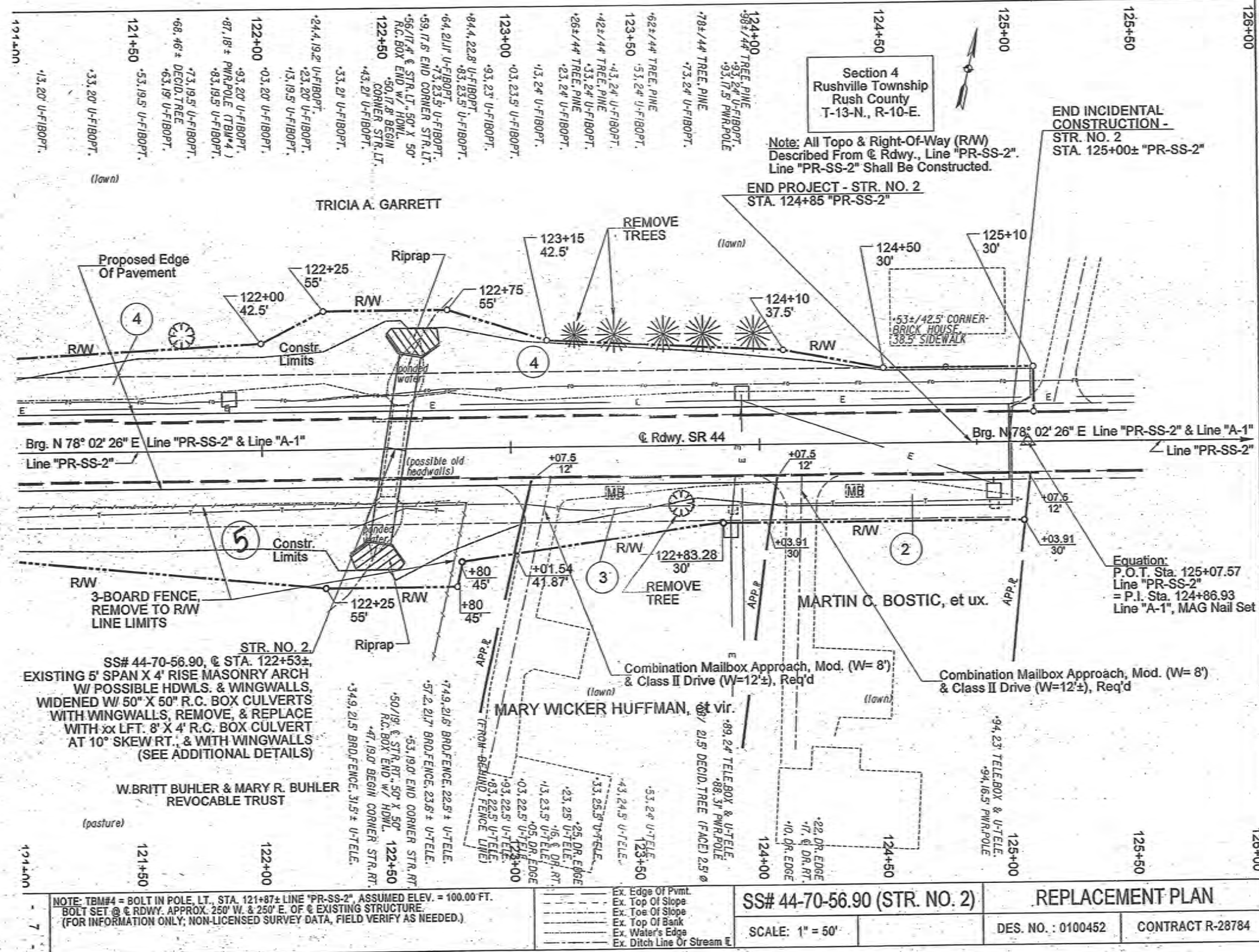
*Ronald L. Raney*  
Ronald L. Raney, LS80870012, Dated 8/10/07



11 OF 12



CODE: 4759



**EXHIBIT D**

**Hold Harmless Affidavit**

STATE OF INDIANA       )  
  )SS:  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

Comes now the Affiant(s), \_\_\_\_\_, and swear and affirm to the following:.

- 1)       That the above Affiant(s) shall **hold harmless and indemnify** the State of Indiana and its agent Indiana Department of Transportation and accept the property transfer through Quit Claim Deed without any Warrants and receive property As-Is.

SUBSCRIBED AND SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Affiant's printed name

\_\_\_\_\_

Affiant's signature

State of Indiana       )  
  ) SS:  
County of \_\_\_\_\_ )

Subscribed and sworn to before me a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public

A Resident of \_\_\_\_\_ County Indiana  
My Commission expires: \_\_\_\_\_